

ESTTA Tracking number: **ESTTA1142063**Filing date: **06/22/2021**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92025859
Party	Plaintiff Empresa Cubana Del Tabaco d.b.a Cubatabaco
Correspondence Address	MICHAEL R. KRINSKY RABINOWITZ BOUDIN STANDARD KRINSKY & LIEBERMAN PC 14 WALL ST, STE 3002 NEW YORK, NY 10005 UNITED STATES Primary Email: mkrinsky@rbskl.com Secondary Email(s): dgoldstein@rbskl.com, lfrank@rbskl.com 212-254-1111
Submission	Testimony For Plaintiff
Filer's Name	Lindsey Frank
Filer's email	lfrank@rbskl.com, mkrinsky@rbskl.com, dgoldstein@rbskl.com
Signature	/Lindsey Frank/
Date	06/22/2021
Attachments	Transcript - 6182468 Abbot.Steven E. Attorneys Eyes Only 121620_Redacted.pdf(969004 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT1.pdf(410352 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT2_redacted.pdf(720223 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT3.pdf(2535622 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT4.pdf(1933798 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT5.pdf(1901116 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT6.pdf(2402800 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT7.pdf(2335126 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT8.pdf(2245059 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT9.pdf(3283597 bytes ) Exhibit - 6182468 Steven.Emory Abbot.EXHIBIT10.pdf(5252420 bytes ) 6151445 Richter III.Eugene P. Conf- Attys Eyes Only_112420_Redacted.pdf(421758 bytes ) 6151445 Eugene.P. Richter, III.EXHIBIT1.pdf(534372 bytes ) 6151445 Eugene.P. Richter, III.EXHIBIT2_redacted.pdf(184673 bytes ) 6151445 Eugene.P. Richter, III.EXHIBIT3.pdf(5947567 bytes ) 6151445 Eugene.P. Richter, III.EXHIBIT4.pdf(1945104 bytes ) 6151445 Eugene.P. Richter, III.EXHIBIT5.pdf(586816 bytes ) 6151445 Eugene.P. Richter, III.EXHIBIT6_redacted.pdf(1621533 bytes ) 6151445 Eugene.P. Richter, III.EXHIBIT7_redacted.pdf(3067728 bytes ) 6151342 McKee Jaworski.Victoria_112020_Redacted.pdf(508888 bytes ) 6151342 Victoria.McKee Jaworski.EXHIBIT1.pdf(1156834 bytes ) 6151342 Victoria.McKee Jaworski.EXHIBIT2.pdf(1394310 bytes ) 6151342 Victoria.McKee Jaworski.EXHIBIT3.pdf(441396 bytes )

**In the Matter Of:**

Empresa Cubana Del Tabaco vs General Cigar

92025859

---

**STEVEN E. ABBOT**

*December 16, 2020*

---

*Attorneys Eyes Only*



**ESQUIRE**  
DEPOSITION SOLUTIONS

800.211.DEPO (3376)  
EsquireSolutions.com



1 IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

2 BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

3 CANCELLATION NO. 92025859

4 -----  
5 In the matter of Trademark Registration No. 1147309  
6 For the mark COHIBA

7 Date registered: February 17, 1981  
8 -and-

9 In the matter of Trademark Registration No. 1898273  
10 For the mark COHIBA

11 Date Registered: June 6, 1995  
12 -----

13 EMPRESA CUBANA DEL TABACO, d.b.a  
14 CUBATABACO,

15 Petitioner,

16 v.

17 GENERAL CIGAR CO., INC., and  
18 CULBRO CORP.,

19 Respondents.  
20 -----

21 CONFIDENTIAL - ATTORNEYS' EYES ONLY

22 AUDIO-VISUAL DEPOSITION OF

23 STEVEN ABBOT

24 December 16, 2020

25 11:17 a.m. - 3:49 p.m.

Audio-Visual Deposition of STEVEN ABBOT,  
taken and transcribed on behalf of the Petitioner,  
stenographically reported by Kimberly L. Ribaric,  
Registered Professional Reporter, Certified Court  
Reporter and e-Notary Public in and for the  
Commonwealth of Virginia at large, pursuant to TBMP  
703.01(e) and 37 C.F.R. Section 2.123(a)(1), and by  
Notice to Take Depositions; commencing at  
11:17 a.m., December 16, 2020.

APPEARANCES OF COUNSEL:

RABINOWITZ, BOUDIN, STANDARD, KRINSKY  
& LIEBERMAN, P.C.  
14 Wall Street, 30th Floor  
New York, NY 10005  
lfrank@rbskl.com  
BY: LINDSEY FRANK, ESQUIRE  
Counsel for Petitioner

DLA PIPER, LLP (US)  
2000 Avenue of the Stars  
Suite 400 North Tower  
Los Angeles, California 90067-4704  
andrew.deutsch@dlapiper.com  
BY: ANDREW L. DEUTSCH, ESQUIRE  
Counsel for Respondent

ALSO PRESENT:

OWEN MCKEON, General Counsel for  
Scandinavian Tobacco

I N D E X

WITNESS: STEVEN ABBOT	PAGE
Examination By Mr. Frank	5
Examination By Mr. Deutsch	128

- - -

E X H I B I T S

PETITIONER

EXHIBIT NO.		PAGE
Exhibit 1	Notice of Election to Orally Cross-Examine Steven Abbot	10
Exhibit 2	Confidential version of the Declaration of Steven Abbot	12
Exhibit 3	Annex B to Steven Abbot's Declaration	50
Exhibit 4	Annex C to Steven Abbot's Declaration	53
Exhibit 5	Annex D to Steven Abbot's Declaration	56
Exhibit 6	Annex E to Steven Abbot's Declaration	58
Exhibit 7	Annex H to Steven Abbot's Declaration	61
Exhibit 8	Annex I to Steven Abbot's Declaration	63
Exhibit 9	Annex J to Steven Abbot's Declaration	68
Exhibit 10	Annex K to Steven Abbot's Declaration	69

(December 16, 2020, 11:17 a.m.)

STEVEN ABBOT,

first duly sworn, testified as follows:

- - -

E X A M I N A T I O N

BY MR. FRANK:

Q. Mr. Abbot, will you please state your name for the record.

A. Steven Emery Abbot. *Abbot 2/2/2021*

Q. Good morning, Mr. Abbot. My name is Lindsey Frank, I'm with the law firm of Rabinowitz, Boudin, Standard, Krinsky & Lieberman, we're counsel for petitioner in this case.

Are you represented by legal counsel here today?

A. Yes.

MR. FRANK: Counsel, can you please identify yourself for the record.

MR. DEUTSCH: Yes. My name is Andrew Deutsch from the law firm of DLA Piper LLP (US), and --

MR. FRANK: Is anyone else -- oh.

MR. DEUTSCH: I'm sorry. And also present is the general counsel for Scandinavian Tobacco, Owen McKeon.

1 MR. FRANK: Very good. Is there anyone  
2 else present during today's examination?

3 MR. DEUTSCH: Not that I know of, no.

4 MR. MCKEON: No.

5 BY MR. FRANK:

6 Q. Mr. Abbot, I want to give you a couple of  
7 explanatory remarks before we go forward so you  
8 know what we're doing here today.

9 First of all, this is trial testimony.  
10 This is being taken as trial testimony in a  
11 proceeding in the Trademark Trial and Appeal Board,  
12 called Empresa Cubana del Tabaco d/b/a Cubatabaco  
13 versus General Cigar Company, Incorporated, and  
14 Culbro Corp.

15 Now, for ease of reference I'm going to  
16 call the petitioner, which is Empresa Cubana del  
17 Tabaco, "Cubatabaco," and I'm going to call General  
18 Cigar Company, Inc., "General Cigar."

19 Now, this is testimony that is going to  
20 be submitted as trial testimony to the Trademark  
21 Trial and Appeal Board in a cancellation  
22 proceeding, that is to say it's equivalent to  
23 giving testimony in court in a regular lawsuit,  
24 except there's no judge present here today.

25 Now, even if your legal counsel may

1 object to things that I ask you, questions that I  
2 ask you, you will still have to answer them unless  
3 he directs you not to answer them.

4 If your response contains sensitive  
5 information, your attorney can designate that  
6 information as confidential or confidential  
7 attorneys' eyes only, but you will still need to  
8 answer the question again unless your legal counsel  
9 instructs you not to.

10 MR. DEUTSCH: Let me just interrupt for  
11 a second and say we may reserve the right to  
12 do that designation until we receive the  
13 transcript, rather than during the deposition  
14 itself.

15 MR. FRANK: Noted.

16 BY MR. FRANK:

17 Q. Now, it's really important, Mr. Abbot, to  
18 get a clear record because the TTBA, the Trademark  
19 Trial and Appeal Board, is only going to see what  
20 goes into the transcript. So that means the court  
21 reporter has to hear both from you and from me, and  
22 if there's objections from your legal counsel.

23 Now, I will do my best to make my  
24 questions clear, but if for some reason you don't  
25 understand a question, please just tell me, and I

1 will try to rephrase it.

2 Now, I will be showing you documents  
3 today which will be marked as exhibits. These  
4 documents come from the declaration that has  
5 already been submitted by General Cigar in its  
6 trial period, or from other documents submitted as  
7 evidence in this proceeding.

8 So the focus of today's examination will  
9 be on what you said in your declaration as well as  
10 the exhibits that were attached thereto. That's  
11 what I'm going to be asking you about.

12 Now, if you can, and I know this is  
13 difficult, but please let me finish a question  
14 before you start your answer. And I will try to  
15 let your legal counsel note his objection if he has  
16 an objection. Again, this is just to make sure  
17 that the record is clear for the Board.

18 Now, if you want to take a break at any  
19 time, please let me know, and we will take a break.  
20 And you can take as many breaks as you want. We'll  
21 just have to finish the question that's been  
22 presented. However, you are not to consult with  
23 your legal counsel or anyone else about your  
24 testimony during this trial testimony that you're  
25 giving here today, including during any breaks or



1 lunch. The only time you should be consulting with  
2 your legal counsel is if there is a question of  
3 privilege or other reason why he is instructing you  
4 not to answer my question.

5 Now, normally this process takes place in  
6 person, when we're all in an office, seated  
7 together; however, because of COVID-19, the  
8 COVID-19 pandemic, counsel for both parties have  
9 agreed to take this testimony remotely via Zoom,  
10 which is what we're doing right now.

11 Now, it's important for me to see you and  
12 what you're doing during this process, so it will  
13 be helpful for me to see your entire top half of  
14 your body, mainly your face and your hands, so I  
15 can know what you're looking at, if anything.

16 Now, can you please move the camera  
17 around just so I can see if anyone else is in the  
18 room with you if that's possible, Mr. Abbot?

19 A. Yes.

20 Q. Is there anyone in the room with you here  
21 today?

22 A. No, there is not.

23 Q. Okay. Very good.

24 Now, I'll begin asking my question, and  
25 the reporter will transcribe my questions and your

1 answers. Please know that your answers should be  
2 stated out loud so that the court reporter may  
3 properly record them. Try not to answer with  
4 uh-huhs or uh-uhs, but yeses or nos. No shaking of  
5 the head. Does that make sense?

6 A. Yes.

7 Q. Okay. Is there any reason why you cannot  
8 testify truthfully here today?

9 A. No.

10 Q. Are you currently taking any medication  
11 which would affect your ability to testify fully  
12 and truthfully here today?

13 A. I am not.

14 Q. Are you currently subject to any medical  
15 condition that would affect your ability to testify  
16 truthfully and fully here today?

17 A. No.

18 (Petitioner Exhibit 1 marked for  
19 identification.)

20 BY MR. FRANK:

21 Q. Okay. I'm going to introduce as  
22 Petitioner's Exhibit 1, this is a notice of  
23 election to orally cross-examine you that the  
24 petitioner has issued. I'm going to share that via  
25 the chat feature on Zoom. Do you have access to

1 that, Mr. Abbot?

2 A. I don't see the --

3 Q. It should be on the bottom, you click on  
4 "chat," and a window will appear on the right side  
5 of your screen.

6 A. Okay. I see the chat feature now.

7 Q. Okay. Very good. Hold on one second.

8 MR. FRANK: Off the record.

9 (Discussion off the record.)

10 MR. FRANK: Okay. Back on the record.

11 BY MR. FRANK:

12 Q. Do you see the document that I have  
13 shared in the chat feature, Mr. Abbot?

14 A. Yes.

15 Q. Please review that document and let me  
16 know if you're appearing here today pursuant to  
17 this notice.

18 MR. FRANK: Mr. Deutsch, do you also  
19 have access to the document?

20 MR. DEUTSCH: I don't. I am getting a  
21 file folder when I do it. I'm trying to  
22 figure out how I can actually get to it. It  
23 comes up as "save as" here. So am I supposed  
24 to save this to computer and then look at it  
25 that way?

1 MR. FRANK: I think that's one way.

2 Let's go off the record for a second.

3 (Discussion off the record.)

4 MR. FRANK: Back on the record.

5 Mr. Deutsch, do you have access to the  
6 document now?

7 MR. DEUTSCH: I do.

8 BY MR. FRANK:

9 Q. Mr. Abbot, are you appearing here today  
10 pursuant to this notice?

11 A. Yes.

12 Q. Okay.

13 MR. FRANK: I'm going to introduce as  
14 Petitioner's Exhibit 2 the confidential  
15 version of the Declaration of Steven Abbot,  
16 without exhibits, that General Cigar has  
17 filed as trial testimony in this proceeding.

18 (Petitioner Exhibit 2 marked for  
19 identification.)

20 BY MR. FRANK:

21 Q. I've shared it via the chat feature,  
22 Mr. Abbot. Let me know if you can download and  
23 open it.

24 MR. FRANK: Mr. Deutsch, as well, if you  
25 have any questions.

1 MR. DEUTSCH: I'm just going to do it to  
2 compare to the hard copy. But I'm going to  
3 work with the hard copy, and I would suggest  
4 Mr. Abbot do the same, if he agrees they're  
5 the same document.

6 THE WITNESS: Okay. I have opened the  
7 document you shared with me, Mr. Frank.

8 MR. DEUTSCH: For the record, this is  
9 the confidential -- I guess this is the  
10 confidential filing document.

11 MR. FRANK: Correct.

12 MR. DEUTSCH: There are two versions of  
13 this, a confidential one, and a  
14 nonconfidential one which was filed on the  
15 public record of the TTAB.

16 MR. FRANK: Correct. I believe I had  
17 noted that the confidential one is the one  
18 we'll be reviewing here today, and which will  
19 be introduced as Exhibit 2.

20 MR. DEUTSCH: Okay.

21 BY MR. FRANK:

22 Q. Mr. Abbot, have you seen this document  
23 before?

24 A. I have.

25 Q. Can you please turn to the -- I guess it

1 would be the second-to-last page of the document.

2 Let me know when you're there.

3 MR. DEUTSCH: Is this the page marked  
4 34? Actually, it might be different than  
5 what you --

6 MR. FRANK: The page marked 34, correct.

7 THE WITNESS: I am there. I'm on page 34.

8 BY MR. FRANK:

9 Q. Is that your signature on page 34?

10 A. Yes.

11 Q. And when did you sign this document?

12 A. September 29th, 2020.

13 Q. And do you understand that this  
14 declaration is being submitted by General Cigar to  
15 the Trademark Trial and Appeal Board as your direct  
16 trial testimony in this proceeding?

17 A. Yes.

18 Q. Now, on the top of page 2, you declare  
19 under penalty of perjury under the laws of the  
20 United States that the following is true and  
21 correct.

22 Is everything in your declaration true  
23 and correct?

24 A. Yes.

25 Q. Did you write all of your declaration?

1           A.    I worked with legal counsel to draft this  
2 document and review it through a series of  
3 revisions until I was confident that the  
4 information here was -- is true and correct, and  
5 then I signed it at that point.

6           Q.    And did you yourself write any part of  
7 the declaration?

8           A.    The -- no.

9           Q.    Did any of the -- did the legal counsel  
10 for General Cigar write any part of your declaration?

11          A.    No.

12          Q.    Who wrote your declaration?

13          A.    Let me correct that. The -- yes, my  
14 counsel, through a series of interviews, recorded  
15 my thoughts and statements here, and through a  
16 series of revisions, as I mentioned, got to a place  
17 where I felt that this was comfortable -- I'm  
18 sorry, this was correct and accurate before signing  
19 it.

20          Q.    Mr. Abbot, you mentioned counsel  
21 interviews to prepare your declaration. How many  
22 interviews with counsel were there?

23          A.    Two. At least two, I believe.

24          Q.    Were they in-person interviews or on the  
25 telephone?

1 A. They were over the phone.

2 Q. Both of them?

3 A. Yes.

4 Q. Were there any in-person interviews?

5 A. No.

6 Q. You mentioned a series of revisions of  
7 your declaration. Do you know how many revisions  
8 of your declaration there were?

9 A. I don't recall the exact number.

10 Q. Was it more than one?

11 A. Yes.

12 Q. Was it less than five?

13 A. No.

14 Q. Was it less than ten?

15 A. Yes.

16 Q. Did anyone other than yourself or legal  
17 counsel for General Cigar write any part of your  
18 declaration?

19 A. No.

20 Q. In preparing your declaration, did you  
21 communicate with anyone to gather facts?

22 A. No.

23 Q. In preparing your declaration, did you  
24 communicate with anyone to confirm facts?

25 A. No.



1 Q. In preparing the declaration, did you  
2 communicate with anyone for his or her perspective  
3 on any part of your declaration?

4 MR. DEUTSCH: Other than legal counsel?

5 BY MR. FRANK:

6 Q. Other than legal counsel for the moment.

7 A. No.

8 Q. In preparing your declaration, did you  
9 communicate with legal counsel for its perspective  
10 on your declaration?

11 MR. DEUTSCH: I object, and I would  
12 instruct the witness not to answer the  
13 question.

14 BY MR. FRANK:

15 Q. Are you refusing to answer the question,  
16 Mr. Abbot?

17 MR. DEUTSCH: Mr. Abbot's been  
18 instructed not to answer the question, and  
19 therefore he's instructed not to answer that  
20 question.

21 BY MR. FRANK:

22 Q. In preparing the declaration, did you  
23 communicate with anyone other than legal counsel  
24 for his or her thoughts about what you should say  
25 in your declaration?

1 A. No.

2 Q. In preparing your declaration -- strike  
3 that.

4 Did you keep any record of the amount of  
5 time you spent working on your declaration before  
6 signing it?

7 A. Would you repeat that question, please?

8 Q. I cannot hear you.

9 A. Will you please repeat that question?

10 Q. Did you keep any record of the amount of  
11 time you spent working on your declaration before  
12 signing it?

13 A. No.

14 MR. DEUTSCH: Just to interrupt, because  
15 I'm working from home, the gardeners are  
16 working next-door, I'm going to put my mic on  
17 mute, but will unmute it if I need to.

18 MR. FRANK: Noted.

19 BY MR. FRANK:

20 Q. Do you remember how much time you spent  
21 working on your declaration before signing it?

22 A. No.

23 Q. Did you do anything to prepare for your  
24 testimony here today?

25 A. Yes.

1 Q. Did you confer with counsel for General  
2 Cigar?

3 A. Yes.

4 Q. On how many occasions?

5 A. On two occasions.

6 Q. And for how long did each of those  
7 encounters last?

8 A. For approximately two hours for the first  
9 meeting, and one hour for the second meeting.

10 Q. Other than legal counsel, did you  
11 communicate with anyone else to prepare for your  
12 testimony here today?

13 A. No.

14 Q. To prepare for your testimony here today,  
15 did you review any documents?

16 A. Yes.

17 Q. Which documents did you review?

18 A. I reviewed my declaration and the  
19 previous trial results from the 2000, I believe,  
20 '04 litigation on this subject.

21 Q. And when you say the prior 2004 trial  
22 results, what document are you referring to?

23 A. I'd have to look on my computer, I  
24 don't -- I don't recall the exact name of the  
25 document.

1 Q. Was it a legal decision by a court?

2 A. Correct.

3 Q. Was this the legal decision by Judge  
4 Sweet in the federal litigation in the Southern  
5 District of New York between Cubatabaco and General  
6 Cigar concerning the COHIBA trademark?

7 A. I don't recall the specific name and  
8 those facts, so I can't be certain that was the  
9 document.

10 Q. In preparing for your testimony here  
11 today, did you communicate with anyone for his or  
12 her perspective?

13 MR. DEUTSCH: Objection, asked and  
14 answered.

15 THE WITNESS: No.

16 BY MR. FRANK:

17 Q. Just for clarity, I'm talking about your  
18 preparation for your testimony here today. Is your  
19 answer still no?

20 A. My answer is still no.

21 Q. In preparing for your testimony here  
22 today, did you communicate with anyone for their  
23 thoughts about what you should say?

24 A. No.

25 MR. DEUTSCH: I object -- hold on. I

1 object to the extent the witness is being  
2 asked about communications with counsel. And  
3 I -- to the extent that your answer would  
4 include communications with counsel, I direct  
5 you not to answer. But you may answer as to  
6 communications, if any, with persons other  
7 than counsel.

8 BY MR. FRANK:

9 Q. Mr. Abbot?

10 A. Will you repeat the question, please?

11 Q. In preparing for your testimony here  
12 today, did you communicate with anyone for their  
13 thoughts about what you should say?

14 MR. DEUTSCH: Same instruction.

15 THE WITNESS: Nobody outside of my legal  
16 counsel.

17 BY MR. FRANK:

18 Q. Other than the people -- other than your  
19 legal counsel, do you know if there's anyone else  
20 who knew you were going to testify here today?

21 A. Yes.

22 Q. And who knew you were going to testify  
23 today?

24 A. My supervisor, and a few of my coworkers.

25 Q. And who is your supervisor?

1 A. Christopher Tarr, T-A-R-R.

2 Q. And who are your coworkers --

3 A. Matthew --

4 Q. -- (inaudible) previously?

5 A. Matthew Davenport, Ed Lahmann, and Doug  
6 Baldwin.

7 Q. Did any of these four individuals make  
8 any comment to you about the fact that you were  
9 going to testify here today?

10 A. No.

11 Q. You state in Paragraph 7 of your  
12 declaration that the statements made in your  
13 declaration are based on your personal knowledge,  
14 including the above-mentioned experiences, your  
15 discussions with other marketing personnel of  
16 General Cigar, and review of General Cigar's  
17 regularly maintained business documents.

18 Is that what Paragraph 7 says?

19 A. I'm going to review -- I'm going to  
20 switch to the document to review that page. Can  
21 you point me to the part of page 7 that you're  
22 referring to?

23 Q. It's Paragraph 7 on page 3. And it's the  
24 first sentence.

25 A. Yes, that's correct.

1 Q. And which marketing personnel of General  
2 Cigar are you referring to here in Paragraph 7 of  
3 your declaration?

4 A. This would be Augustin Martinez, Ed  
5 Lahmann, Alan Willner, and Chris Tarr, Matt Wilson,  
6 Gene Richter, and many others that I don't recall  
7 specifically through the -- through my time at  
8 General Cigar.

9 Q. Okay. Do you know when Mr. Martinez  
10 started working at General Cigar?

11 A. I don't know that specific date.

12 Q. Is he still working at General Cigar?

13 A. No.

14 Q. Do you know when he left General Cigar?

15 A. I don't recall the specific date.

16 Q. Do you remember what year?

17 A. I believe 2018.

18 Q. Do you know what Mr. Martinez's title was  
19 at General Cigar when he worked there?

20 A. Director of marketing.

21 Q. And do you know what his responsibilities  
22 were at General Cigar while he worked there?

23 A. He was responsible for the portfolio of  
24 brands at General Cigar.

25 Q. That included multiple brands; is that

1 correct?

2 A. Correct.

3 Q. And it was not limited to General Cigar's  
4 COHIBA cigar?

5 A. It was not limited.

6 Q. And specifically what information in your  
7 declaration was based on your conversations with  
8 Mr. Martinez?

9 A. Specifically my education when I first  
10 joined the company was, in part, due to discussions  
11 with Mr. Martinez.

12 Q. Is there anything else?

13 A. Through the normal course of business,  
14 during the time that I managed COHIBA from  
15 April 2014 to September 2016, I had regular  
16 meetings with Mr. Martinez about COHIBA, as well as  
17 the other brands under my responsibility.

18 Q. Can you specifically identify what  
19 information in your declaration was based on your  
20 conversations with Mr. Martinez other than your  
21 education when you first joined General Cigar?

22 A. No.

23 Q. For Mr. Lahmann, do you know when  
24 Mr. Lahmann started at General Cigar?

25 For the court reporter, Lahmann is



1 spelled L-A-H-M-A-N. Are there two Ns or one N?

2 A. I believe there's two Ns.

3 Q. Two Ns at the end.

4 Mr. Abbot, do you know when Mr. Lahmann  
5 started working at General Cigar?

6 A. I do not.

7 Q. Does he still work at General Cigar?

8 A. He does.

9 Q. And do you know what Mr. Lahmann's  
10 current title is at General Cigar?

11 A. Senior Brand Manager.

12 Q. And do you know what his current  
13 responsibilities are at General Cigar?

14 A. Yes.

15 Q. What are they?

16 A. He manages the Punch brand and Hoyo de  
17 Monterrey brand.

18 Q. And has his title at General Cigar  
19 changed since he began at General Cigar?

20 A. Yes.

21 Q. And what was it prior to being Senior  
22 Brand Manager?

23 A. He was brand manager.

24 Q. And did his responsibilities change since  
25 starting at General Cigar?

1 A. Yes.

2 Q. And how did they change?

3 A. He was responsible for a number of  
4 brands. He left the company at some point, which I  
5 believe was September 2016. There was a break in  
6 his service at General Cigar. He returned to the  
7 business at some point and acquired new  
8 responsibilities.

9 Q. And do you know if any of those  
10 responsibilities included General Cigar's COHIBA  
11 cigar?

12 A. Can you repeat the question and clarify  
13 at what point are you --

14 Q. At any point prior to his current  
15 position, has his responsibilities included General  
16 Cigar's COHIBA cigar?

17 A. Not after returning to the company.

18 Q. And prior to leaving the company, did his  
19 responsibilities include General Cigar's COHIBA  
20 cigar?

21 A. Yes.

22 Q. And do you know during what period  
23 Mr. Lahmann's responsibilities included General  
24 Cigar's COHIBA cigar?

25 A. I do not know the -- the full period,

1 only the time that I would -- I was employ -- only  
2 the time that I -- since I started in April 2014.

3 Q. Do you know what specific -- strike that.  
4 Specifically what information in your  
5 declaration was based on your conversations with  
6 Mr. Lahmann?

7 A. Part of my education on the status of the  
8 brand, the General Cigar COHIBA, I obtained from  
9 Mr. Lahmann when I started in April 2014.

10 Q. Is there any other part of your  
11 declaration that was based on your conversations  
12 with Mr. Lahmann?

13 A. No.

14 Q. Do you know when Mr. Willner started  
15 working at General Cigar?

16 A. I do not.

17 Q. Do you know what Mr. Willner's title was  
18 while at General Cigar?

19 A. Vice president of marketing.

20 Q. Specifically what information in your  
21 declaration was based on your conversations with  
22 Mr. Willner?

23 A. There's nothing specific in my  
24 declaration that is directly attributed to  
25 Mr. Willner.

1 Q. You had mentioned Mr. Tarr, Chris Tarr.  
2 Do you know when Mr. Tarr started working at  
3 General Cigar?

4 A. I do not.

5 Q. Is Mr. Tarr still working at General  
6 Cigar?

7 A. He is.

8 Q. And what is his current title?

9 A. Vice president of marketing.

10 Q. And what are his responsibilities  
11 currently at General Cigar?

12 A. I don't know the full extent of his  
13 responsibilities.

14 Q. Do you know if his responsibilities  
15 include multiple brands of General Cigar's cigars?

16 A. Yes, his responsibilities included  
17 multiple brands of General Cigar's -- General Cigar  
18 brands.

19 Q. And has Mr. Tarr's position changed at  
20 General Cigar since he started?

21 A. Yes.

22 Q. And what was his prior position?

23 A. Regional sales manager.

24 Q. And do you know what years he was  
25 regional sales manager?

1           A.    I don't specifically recall that  
2 information.

3           Q.    Do you know what his responsibilities  
4 were as regional sales manager?

5           A.    Not the full extent, no, I do not -- I do  
6 not know that information.

7           Q.    Do you know if he was -- strike that.

8                   Did Mr. Tarr have -- hold a position at  
9 General Cigar prior to being the regional sales  
10 manager?

11          A.    I don't know that.

12          Q.    And specifically what information in your  
13 declaration was based on your conversations with  
14 Mr. Tarr?

15          A.    There's nothing specific in my  
16 declaration that's directly attributed to my -- to  
17 discussions that I had with Mr. Tarr.

18          Q.    You mentioned Mr. Matt Wilson. Do you  
19 know when Mr. Wilson started working at General  
20 Cigar?

21          A.    Yes.

22          Q.    And when did Mr. Wilson start working at  
23 General Cigar?

24          A.    September 2019.

25          Q.    And what was Mr. Wilson's position when

1 he started at General Cigar?

2 A. Senior Brand Manager.

3 Q. And do you know what Mr. Wilson's  
4 responsibilities were at General Cigar when he  
5 first started?

6 A. Yes.

7 Q. And what were they?

8 A. He was responsible for the COHIBA brand  
9 as well as the Partagás brand.

10 Q. And do you know if Mr. Wilson's  
11 responsibilities have changed since starting at  
12 General Cigar?

13 A. Yes.

14 Q. And how have they changed?

15 A. No, I'm sorry, they have not changed.  
16 But I know -- sorry, I think I misunderstood your  
17 first question.

18 Q. Okay. Have Mr. -- start from the  
19 beginning. Mr. Wilson started at General Cigar in  
20 September of 2019; is that correct?

21 A. Correct.

22 Q. And what was his title in September of  
23 2019?

24 A. Senior Brand Manager.

25 Q. And was he responsible for the COHIBA and

1 Partagás brands of General Cigar in September of  
2 2019?

3 A. Yes.

4 Q. And has his title changed at -- has his  
5 title at General Cigar changed since September of  
6 2019?

7 A. No.

8 Q. Have his responsibilities at General  
9 Cigar changed since 2019?

10 A. No.

11 Q. Okay. Specifically what information in  
12 your declaration was based on your conversations  
13 with Mr. Wilson?

14 A. There's no specific information in my  
15 declaration that's attributed -- attributable to  
16 direct conversations with Mr. Wilson.

17 Q. You mentioned Mr. Gene Richter. Are you  
18 referring to Eugene Richter, III?

19 A. Yes.

20 Q. And do you know when Mr. Richter started  
21 working at General Cigar?

22 A. I do not.

23 Q. Do you know what Mr. Richter's position  
24 was when he first started at General Cigar?

25 A. I do not know that.

1 Q. Do you know what his current position is  
2 at General Cigar?

3 A. Yes.

4 Q. And what is his current position?

5 A. Vice President of Sales.

6 Q. And do you know if that position has  
7 changed over time?

8 A. Can you rephrase that question?

9 Q. Do you know if Mr. Richter's  
10 responsibilities -- I'm sorry, strike that.

11 Do you know if Mr. Richter's position at  
12 General Cigar has changed since he started at  
13 General Cigar?

14 A. His title has not changed.

15 Q. Do you know if Mr. Richter's  
16 responsibilities have changed since he started at  
17 General Cigar?

18 A. Yes.

19 Q. And what were Mr. Richter's  
20 responsibilities when he first started at General  
21 Cigar?

22 A. I don't know that information.

23 Q. Do you know when those responsibilities  
24 changed?

25 A. Yes.



1 Q. When did they change?

2 A. I don't recall specifically.

3 Q. Do you know how they changed?

4 A. Yes.

5 Q. How did they change?

6 A. His responsibilities expanded to include  
7 some additional sales -- some different -- some  
8 additional sales personnel within Scandinavian  
9 Tobacco Group.

10 Q. And do you know what Mr. Richter's  
11 current responsibilities are?

12 A. Not the full extent of them, no.

13 Q. And specifically what information in your  
14 declaration was based on your conversations with  
15 Mr. Richter?

16 A. A portion of my onboarding and education  
17 at -- when I joined the company in April of 2014  
18 were result of specific conversations with  
19 Mr. Richter.

20 Q. You state in Paragraph 7 of your  
21 declaration, you reference your review of General  
22 Cigar's regularly maintained business documents.

23 Which specific paragraphs of your  
24 declaration are based on your review of General  
25 Cigar's regularly maintained business documents?

1 A. I'm going to need to flip back to the  
2 document to review it.

3 Q. Please take your time.

4 A. The section -- Paragraph 17, where I  
5 reference the different subbrands of General Cigar  
6 COHIBA, I reference price points in some of those  
7 paragraphs.

8 Q. Just to clarify, is it just the price  
9 points on which you based --

10 A. Yeah, so I reviewed the price -- the  
11 current price list of General Cigar for the -- for  
12 that information.

13 I also reviewed sales reports for -- I'm  
14 sorry. I also reviewed the sell sheets in  
15 Paragraph 19 for General Cigar that were included  
16 in Annex L.

17 In Paragraph 20, I reviewed prior sales  
18 reports to determine when those brands that are  
19 referenced there were discontinued, when they were  
20 launched and discontinued.

21 I also reviewed previous profit and loss  
22 statements to provide the information that was --  
23 that is included in Paragraph 24 that shows COHIBA  
24 sales from 2007 to 2019.

25

1

6

I also reviewed historical information on events to determine Sean Williams, how many events he attended as a representative of COHIBA.

9

Q. Are you referring to Paragraph 27 of your declaration?

10

11

A. Yes.

12

13

Q. Does that also include Paragraph 30 of your declaration?

14

15

MR. DEUTSCH: Objection. "It," meaning what?

16

BY MR. FRANK:

17

18

19

Q. Is the statement included in Paragraph 30 of your declaration based on your review of General Cigar's regularly maintained business documents?

20

21

22

A. Yes. So the list that I'm referring to in Paragraph 27 is also noted in Paragraph 30 as Annex EE.

23

24

25

I also reviewed General Cigar's price list to provide the 2020 suggested retail prices in Paragraph 33.

1 I also reviewed our packaging photography  
2 to provide images that are included in Paragraph 43  
3 of the General Cigar COHIBA Red Dot band and box  
4 images.

5 Also reviewed brand plans from the years  
6 2005 to 2019, excluding 2007, 2009 and 2011, for  
7 the General Cigar COHIBA brand.

8 I also reviewed press releases describing  
9 COHIBA brand cigars launched by General Cigar,  
10 which is attached in Annex X.

11 And that's all that I recall at this  
12 point.

13 Q. Thank you.

14 In preparing your declaration, did you  
15 review any documents other than the ones you  
16 specifically identify in your declaration and the  
17 ones you just identified today?

18 A. Not that I recall.

19 Q. For the profit and loss statements that  
20 you just referred to, did anyone give you those  
21 documents to review?

22 A. No.

23 Q. How did you obtain those documents?

24 A. Those are available on a shared folder in  
25 the marketing -- excuse me -- server.

1 Q. For the historical information on the  
2 events of Sean Williams that you identified in  
3 Paragraph 27 and Paragraph 30, did anyone give you  
4 the documents that you reviewed to support those  
5 paragraphs?

6 A. Can I look back at those paragraphs to  
7 see which ones you're referencing specifically?

8 Q. Of course.

9 A. Okay.

10 I'm sorry, Mr. Frank, will you repeat the  
11 question? I'm having trouble finding specifically  
12 what you're referencing.

13 Q. Did the historical events information  
14 that you reference by Mr. Williams that you  
15 identify in Paragraphs 27 and 30, did anyone give  
16 you the documents that you reviewed before making  
17 the statements in Paragraphs 27 and 30?

18 A. Yes.

19 Q. And who gave you those documents?

20 A. Gary Scheer.

21 Q. And was it one document or more than one  
22 document?

23 A. I believe it was one document.

24 Q. And what is Mr. Scheer's -- strike that.

25 Does Mr. Scheer work at General Cigar?

1 A. Yes.

2 Q. And what is his title?

3 A. I don't know his specific title.

4 Q. And what are his responsibilities at  
5 General Cigar?

6 A. He's responsible for event coordination.

7 Q. And were the statements in Paragraph 27  
8 based on conversations that you had with  
9 Mr. Scheer?

10 A. No.

11 Q. And just for the record, can you please  
12 spell Mr. Scheer's last name?

13 A. S-C-H-E-E-R.

14 Q. And was there only one document that  
15 Mr. Scheer had given you to review?

16 A. I believe so.

17 Q. And what was that document?

18 A. That was the list of events that is  
19 attached in Annex EE.

20 Q. And do you know how Mr. Scheer -- strike  
21 that.

22 Do you know where that document -- the  
23 document attached as Annex EE came from?

24 A. Yes.

25 Q. And where did it come from?

1 A. It was sent to me by Mr. Scheer.

2 Q. But do you know how that document was  
3 created?

4 A. No.

5 Q. For the 2020 suggested retail prices that  
6 you identify in Paragraph 33 of your declaration,  
7 what document were those prices based on?

8 A. Our standard price list for General Cigar  
9 brands.

10 Q. And was it one document or more than one  
11 document that you reviewed?

12 A. One document.

13 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17 Q. Mr. Abbot, what did you do to prepare  
18 yourself to write your declaration?

19 A. Will you repeat the question?

20 Q. What did you do to prepare yourself to  
21 write your declaration?

22 MR. DEUTSCH: Objection to form.

23 THE WITNESS: I reviewed -- I reviewed  
24 past documents to familiarize myself with the  
25 information that I presented in the

1 declaration.

2 BY MR. FRANK:

3 Q. Was there anything else that you did to  
4 prepare yourself to write your declaration?

5 A. I met with legal counsel.

6 Q. Was there anything else?

7 A. Not that -- not that I can recall.

8 Q. You mentioned that you reviewed past  
9 documents. Are any of those documents that you  
10 just referred to anything -- strike that.

11 Are the past documents anything other  
12 than the documents that you identify in your  
13 declaration or the ones that you identified earlier  
14 today?

15 A. Will you repeat the question? I'm sorry.

16 Q. I had asked you what you had done to  
17 prepare yourself to write your declaration, and you  
18 had said you reviewed past documents.

19 My question is, are these past documents  
20 anything other than the documents you specifically  
21 identify in your declaration or any other document  
22 that you've previously identified here today?

23 A. Not that I can recall.

24 Q. And did you keep a record of what you did  
25 to prepare yourself for your declaration?



1 A. No.

2 Q. You state in Paragraph 7, going back to  
3 Paragraph 7, that -- in the second sentence, you  
4 have also reviewed the history of General Cigar's  
5 ownership, registration, and use of the COHIBA mark  
6 prior to your joining the company as set forth in  
7 opinions by the federal courts in litigation  
8 between General Cigar and Cubatabaco.

9 Is that correct?

10 A. Yes.

11 Q. Which opinions by the federal courts in  
12 litigation between General Cigar and Cubatabaco did  
13 you look at?

14 A. The ones from 2004.

15 Q. Was it one opinion or more than one  
16 opinion?

17 A. I recall -- the only one I can recall is  
18 one opinion.

19 Q. And was it one federal court or multiple  
20 federal courts?

21 A. I don't recall.

22 Q. Do you recall which federal court it was?

23 A. No.

24 Q. Do you recall what issue the 2004 opinion  
25 concerned?

1 A. The trademark of COHIBA.

2 Q. And do you remember -- strike that.

3 Had you read that 2004 opinion  
4 immediately prior to starting the process of  
5 preparing your declaration?

6 A. I prepared it, yes. I prepared it in  
7 conjunction with formulating my declaration.

8 Q. Had you previously reviewed that 2004  
9 opinion before starting the process of drafting  
10 your declaration?

11 A. I believe so.

12 Q. Do you recall when that was?

13 A. I don't recall specifically.

14 Q. Did you review the 2004 opinion with  
15 legal counsel immediately prior to preparing your  
16 declaration?

17 MR. DEUTSCH: Objection. And direct the  
18 witness not to answer.

19 BY MR. FRANK:

20 Q. Mr. Abbot, have you ever reviewed any of  
21 the evidence that Cubatabaco has submitted in the  
22 federal court litigation in the Southern District  
23 of New York between General Cigar and Cubatabaco  
24 over the COHIBA trademark?

25 A. Not that I recall.

1 Q. Have you ever reviewed any of the  
2 testimony that Cubatabaco submitted in the federal  
3 court litigation in the Southern District of  
4 New York between General Cigar and Cubatabaco over  
5 the COHIBA trademark?

6 A. No.

7 Q. Have you ever reviewed any of the expert  
8 reports that Cubatabaco had submitted in the  
9 federal court litigation in the Southern District  
10 of New York between General Cigar and Cubatabaco  
11 concerning the COHIBA trademark?

12 A. No.

13 Q. Have you ever reviewed any of the expert  
14 testimony that Cubatabaco had submitted in the  
15 federal court litigation in the Southern District  
16 of New York between General Cigar and Cubatabaco  
17 concerning the COHIBA trademark?

18 A. No.

19 Q. Have you ever reviewed Cubatabaco's  
20 proposed findings of fact and conclusions of law  
21 that Cubatabaco had submitted in the federal court  
22 litigation in the Southern District of New York  
23 between General Cigar and Cubatabaco concerning the  
24 COHIBA trademark?

25 A. No.

1 Q. Have you ever reviewed any of the -- any  
2 of Cubatabaco's legal briefs filed in the federal  
3 court litigation between General Cigar and  
4 Cubatabaco concerning the COHIBA trademark?

5 A. No.

6 Q. Did you ever review any of Cubatabaco's  
7 other papers filed in the federal court litigation  
8 between General Cigar and Cubatabaco in the  
9 southern district of New York concerning the COHIBA  
10 trademark?

11 A. No.

12 Q. Okay. Can you please go to Paragraph 1  
13 of your declaration. Tell me when you're there.

14 A. I'm there.

15 Q. It says here that as of the date that you  
16 signed your declaration, you were a Senior Brand  
17 Manager of General Cigar, responsible for General  
18 Cigar's Macanudo, that's M-A-C-A-N-U-D-O, and  
19 La Gloria Cubana brands. Is that right?

20 A. Correct.

21 Q. Do you still hold the position of Senior  
22 Brand Manager of General Cigar, responsible for  
23 General Cigar's Macanudo and La Gloria Cubana  
24 brands?

25 A. Yes.

1 Q. Have your responsibilities changed since  
2 drafting -- strike that.

3 Have your responsibilities changed since  
4 signing your declaration?

5 A. No.

6 Q. You are not currently responsible for  
7 General Cigar's COHIBA brand; is that right?

8 A. That's correct.

9 Q. It says in Paragraph 1 that from April  
10 of 2014 through September 2016, you were a Senior  
11 Brand Manager responsible for, among other  
12 products, the General Cigar COHIBA cigar brand. Is  
13 that correct?

14 A. That is correct.

15 Q. And you have not been responsible for  
16 General Cigar's COHIBA cigar brand since September  
17 of 2016; is that correct?

18 A. That's correct.

19 Q. And in Paragraph 10 you say that you  
20 worked for Swedish Match from 2006 to 2013. Is  
21 that correct?

22 A. Flip to Paragraph 10, please.

23 That's correct.

24 Q. And did Swedish Match own General Cigar  
25 at that time?

1 A. For a portion of that time, yes.

2 Q. Do you know which portion?

3 A. From 2006 to -- I don't know the exact  
4 date, but there was a portion of time where there  
5 was overlap where I was there from 2006 to -- for  
6 the first few years where those two -- where  
7 Swedish Match owned Scandinavian Tobacco.

8 Q. I see. And can you turn to Paragraph 15  
9 now, please. Let me know when you're there.

10 A. I'm there.

11 Q. You state in Paragraph 15 that in the  
12 United States, the lowest priced premium cigars are  
13 sold at retail at above \$4.00 per cigar.

14 Is that what you state?

15 A. Yes.

16 Q. Now, are there also nonpremium cigars  
17 that are sold in the United States?

18 A. Yes.

19 Q. Do nonpremium cigars sold in the United  
20 States sell for less than \$4.00 per cigar?

21 A. Yes.

22 Q. Do nonpremium cigars sold in the United  
23 States sell for less than \$1.00 per cigar?

24 A. That, I'm not aware of.

25 Q. What are examples of nonpremium cigars?

1           A.     Captain Black, Black & Mild, Swisher  
2     Sweets, Game, White Owl, Garcia Vega, are some of  
3     the top brands.

4           Q.     When you say your -- strike that.  
5                   Are nonpremium cigars sold at gas  
6     stations, to your knowledge?

7           A.     Yes.

8           Q.     Are nonpremium cigars sold at locations  
9     other than retail cigar stores and gas stations?  
10    And by "retail cigar stores," I mean cigar stores  
11    that primarily sell cigars and cigar products.

12          A.     Will you repeat that question?

13          Q.     Okay. For this question, and for today's  
14    examination, when I refer to "retail cigar stores,"  
15    I'm referring to stores that primarily sell cigars  
16    and cigar products. Do you understand?

17          A.     Yes.

18          Q.     Okay. Are non -- the question is, are  
19    nonpremium cigars sold at locations other than  
20    retail cigar stores and gas stations?

21          A.     Nonpremium cigars are typically not sold  
22    in cigar stores.

23          Q.     Are nonpremium cigars sold at convenience  
24    stores, to your knowledge?

25          A.     Yes.

1 Q. Are nonpremium cigars sold at liquor  
2 stores, to your knowledge?

3 A. Not to my knowledge.

4 Q. Are nonpremium cigars sold at newspaper  
5 stands, to your knowledge?

6 A. It depends on the state, I believe.

7 Q. In some states are they sold at newspaper  
8 stands, to your knowledge?

9 A. I think it depends on how you define  
10 newspaper stands.

11 Q. I'll define it as a store that primarily  
12 sells newspapers, magazines, and candy.

13 A. I would say no, they are not sold at  
14 newsstands.

15 Q. Returning back to your statement in  
16 Paragraph 15, you state that in the United States,  
17 the lowest priced premium cigars are sold at retail  
18 at above \$4.00 per cigar.

19 Your reference in that statement to  
20 premium cigars does not include General Cigar's  
21 COHIBA miniature cigars; is that correct?

22 A. Correct.

23 Q. Is the lowest price of a COHIBA -- strike  
24 that.

25 Is the lowest price of a General Cigar



1 COHIBA miniature cigar \$4.00 per miniature cigar?

2 [REDACTED]

5 When you're -- when you look at small  
6 cigars, you're specifically referring to small  
7 cigars in this example?

8 Q. In this example, I'm specifically  
9 referring to General Cigar's COHIBA miniature  
10 cigar.

11 A. Okay.

12 Q. What --

13 A. Will you repeat the question?

14 Q. Is the lowest price for a General Cigar  
15 COHIBA miniature cigar \$4.00 per miniature cigar?

16 A. No.

17 Q. In Paragraph 16 of your declaration, you  
18 state that Annex A to your declaration contains a  
19 list of suggested retail resale prices. Is that  
20 correct?

21 A. Yes.

22 Q. Isn't it correct that companies selling  
23 General Cigar's COHIBA cigars can sell General  
24 Cigar's COHIBA cigars for less than the suggested  
25 retail resale price?

1           A.     That's correct. We cannot control what  
2 price our resellers sell the product for, we just  
3 suggest the retail prices.

4           Q.     In Paragraph 17(b) of your declaration,  
5 you attach as Annex B a photograph or photographs  
6 of the current configuration of the COHIBA Red Dot  
7 cigar; is that correct?

8           A.     Will you repeat the question?

9           Q.     In Paragraph 17(b) of your declaration,  
10 you attach as Annex B photographs of the current  
11 configuration of the COHIBA Red Dot cigar; is that  
12 correct?

13          A.     That's correct.

14                 MR. FRANK: I'm going to introduce via  
15 chat as Petitioner's Exhibit 3 a true and  
16 correct copy of Annex B to your declaration.

17                 (Petitioner Exhibit 3 marked for  
18 identification.)

19 BY MR. FRANK:

20          Q.     Do you see it, Mr. Abbot?

21          A.     I do. I am opening it now.

22          Q.     Okay.

23                 MR. FRANK: Mr. Deutsch, can you access  
24 it?

25                 MR. DEUTSCH: I see it, but I'm going to

1 use the paper copy. And I'm sure the witness  
2 has the freedom to use the paper copy if he  
3 wishes.

4 BY MR. FRANK:

5 Q. Let me know when you're done with your  
6 review, Mr. Abbot.

7 A. Reviewed it.

8 Q. Is this Annex B to your declaration --  
9 strike that.

10 Is exhibit -- what I've just introduced  
11 as Petitioner's Exhibit 3 Annex B to your  
12 declaration?

13 A. I'm just going to check my hard copy real  
14 briefly.

15 Yes, it is.

16 Q. The first image in Exhibit 3 is a General  
17 Cigar COHIBA Red Dot cigar in a tube; is that  
18 correct?

19 A. Correct.

20 Q. Isn't it true that General Cigar COHIBA  
21 Red Dot cigars in a tube are sold individually?

22 A. We sell them in boxes. We do not sell  
23 them individually.

24 Q. Do you know if retail cigar stores in the  
25 United States sell General Cigar COHIBA Red Dot

1 cigars in a tube, individually?

2 A. Yes.

3 Q. And do they?

4 A. They do sell them individually.

5 Q. The second image is of a General Cigar  
6 COHIBA Red Dot cigar without the tube; is that  
7 correct?

8 A. Correct.

9 Q. Isn't it true that you have visited  
10 stores in the United States where General Cigar's  
11 COHIBA cigars are sold?

12 A. Yes.

13 Q. Isn't it true that General Cigar's COHIBA  
14 Red Dot cigar is sold without a tube, individually  
15 at stores in the United States?

16 A. Yes.

17 Q. Has the General Cigar COHIBA Red Dot  
18 cigar band always had the red background above and  
19 below the word COHIBA?

20 A. No.

21 Q. Do you know when this band design was  
22 first used, the one in Petitioner's Exhibit 3?

23 A. I believe it was 2018.

24 Q. In the same paragraph, 17(b) of your  
25 declaration, you state that the legend of origin on

1 the cigar band is Republica Dominicana,  
2 D-O-M-I-N-I-C-A-N-A; is that correct?

3 A. That's correct.

4 Q. Can you point to where in the first two  
5 images in Petitioner's Exhibit 3 where it states  
6 Republica Dominicana on the cigar band?

7 A. Yes. It's right above and below -- I'm  
8 sorry. It's in the inner silver bands that are  
9 right next to the COHIBA name.

10 Q. It's in silver -- it's in a silver font;  
11 is that correct?

12 A. It's silver embossed, embossing.

13 Q. On a silver background?

14 A. Yes.

15 Q. In Paragraph 17(c) of your declaration,  
16 you attach as Annex C photographs of the current  
17 configuration of the COHIBA black cigar; is that  
18 correct?

19 A. Yes.

20 MR. FRANK: I'm going to introduce as  
21 Petitioner's Exhibit 4 a true and correct  
22 copy of Annex C to your declaration.

23 (Petitioner Exhibit 4 marked for  
24 identification.)

25

1 BY MR. FRANK:

2 Q. Can you see it on the chat feature,  
3 Mr. Abbot?

4 A. I've received it and am down -- opening  
5 it now.

6 MR. FRANK: And, Mr. Deutsch, you have  
7 access, as well, to your printout?

8 MR. DEUTSCH: I do, yes. As before, I'm  
9 using the paper copy which I think is easier  
10 to read.

11 BY MR. FRANK:

12 Q. Is Petitioner's Exhibit 4 Annex C to your  
13 declaration?

14 A. Yes.

15 Q. The first image in Petitioner's Exhibit 4  
16 is a General Cigar COHIBA black cigar in a tube; is  
17 that correct?

18 A. That's correct.

19 Q. Isn't it true that General Cigar's COHIBA  
20 black cigars in a tube are sold individually at  
21 retail cigar stores in the United States?

22 A. Yes.

23 Q. The second image is of a General Cigar  
24 COHIBA black cigar without the tube; is that  
25 correct?

1 A. Correct.

2 Q. Isn't it true that General Cigar's COHIBA  
3 black cigar is sold without a tube, individually,  
4 at stores in the United States?

5 A. That's correct.

6 Q. In the same paragraph you state that the  
7 legend of origin of the cigar band is Republica  
8 Dominicana; is that correct?

9 A. That's correct.

10 Q. And is it the same silver on -- silver  
11 lettering with silver background location that you  
12 had previously identified -- strike that.

13 Can you point to where in the first two  
14 images attached as Petitioner's Exhibit 4 where it  
15 states Republica Dominicana on the cigar band?

16 A. Republica Dominicana is embossed in the  
17 silver band above and below the COHIBA name.

18 Q. Is the third image of Petitioner's  
19 Exhibit 4 an image of a box of COHIBA black cigars?

20 A. Yes.

21 Q. Is the fourth image the bottom of the box  
22 of General Cigar's COHIBA black cigars?

23 A. Yes.

24 Q. In Paragraph 17(d) you attach as Annex D  
25 photographs of the current configuration of the

1 COHIBA Macassar cigar, M-A-C-A-S-S-A-R; is that  
2 correct?

3 A. Yes, that's correct.

4 MR. FRANK: I'm going to introduce as  
5 Petitioner's Exhibit 5 a true and correct  
6 copy of Annex D to your declaration via the  
7 chat feature.

8 (Petitioner Exhibit 5 marked for  
9 identification.)

10 MR. DEUTSCH: I just got Annex D. Did  
11 you want E or D?

12 MR. FRANK: D.

13 MR. DEUTSCH: Oh, sorry, then I misheard  
14 probably.

15 THE WITNESS: Okay. I received it.

16 BY MR. FRANK:

17 Q. Is Petitioner's Exhibit 5 Annex D to your  
18 declaration?

19 A. Yes.

20 Q. The third image is of an individual  
21 General Cigar COHIBA Macassar cigar, correct?

22 A. Correct.

23 Q. Isn't it true that General Cigar's COHIBA  
24 Macassar cigars are sold without a tube,  
25 individually, at stores in the United States?



1 A. That's correct.

2 Q. You state in Paragraph 17(d) that the  
3 legend of origin -- strike that.

4 The fourth image is of a box -- strike  
5 that.

6 Does the General Cigar's COHIBA Macassar  
7 cigar state anywhere on the cigar band Republica  
8 Dominicana?

9 A. No.

10 Q. The fourth image is of a box of General  
11 Cigar's COHIBA Macassar cigars; is that correct?

12 A. Correct.

13 Q. The fifth image is the bottom -- is an  
14 image of the bottom of the box of General Cigar's  
15 COHIBA Macassar cigars; is that correct?

16 A. That's correct.

17 Q. And the fifth image has a sticker on it;  
18 is that correct?

19 A. Correct.

20 Q. Can you read the contents of that sticker  
21 into the record, please.

22 A. It says, COH Macassar Gigante 6X60  
23 BX 10s. It lists the barcode, Macassar 10 Cigars,  
24 Product of Dominicana -- I'm sorry, Product of  
25 Dominican Republic.

1 Q. Thank you.

2 Paragraph 17(e) of your declaration you  
3 attach Annex E, as in Edward, photographs of the  
4 current configuration of the COHIBA Nicaragua  
5 cigar; is that correct?

6 A. Yes.

7 MR. FRANK: I'm going to introduce  
8 Exhibit 6, Petitioner's Exhibit 6, a true and  
9 correct of Annex E to your declaration.

10 (Petitioner Exhibit 6 marked for  
11 identification.)

12 MR. FRANK: Let me know if you receive  
13 it, Mr. Abbot and Mr. Deutsch.

14 MR. DEUTSCH: I've received it.

15 THE WITNESS: I've received it.

16 BY MR. FRANK:

17 Q. My question will be, take your time to  
18 review it, is Petitioner's Exhibit 6 a true and  
19 correct copy of Annex E to your declaration?

20 MR. DEUTSCH: Please compare all the  
21 pages before you answer that, Mr. Abbot.

22 THE WITNESS: Yes, I've reviewed all the  
23 pages.

24 BY MR. FRANK:

25 Q. The first image is a General Cigar COHIBA

1 Nicaragua cigar in a tube; is that correct?

2 A. Yes.

3 Q. Isn't it true that General Cigar COHIBA  
4 Nicaragua cigars in a tube are sold individually at  
5 stores in the United States?

6 A. That's correct.

7 Q. The second image is of a General Cigar  
8 COHIBA Nicaragua cigar without the tube; is that  
9 correct?

10 A. That's correct.

11 Q. Isn't it true that General Cigar's COHIBA  
12 Nicaragua cigars are sold without a tube,  
13 individually, at stores in the United States?

14 A. That's correct.

15 Q. In the same paragraph you state that the  
16 legend of origin on the cigar band is Republica  
17 Nicaragua; is that correct?

18 A. That's correct.

19 Q. And can you point to where in the first  
20 two images attached to Annex E it states Republica  
21 Nicaragua on the cigar band?

22 A. It is included in the gold, the center  
23 gold bands, above and below the COHIBA logo.

24 Q. It's in gold lettering on a gold  
25 background; is that correct?

1 A. Correct.

2 Q. The third and fourth images of  
3 Petitioner's Exhibit 6 are of a box of General  
4 Cigar COHIBA Nicaragua cigars; is that correct?

5 A. That's correct.

6 Q. The fifth image is of the bottom of the  
7 box of General Cigar Nicaragua cigars; is that  
8 correct?

9 A. That's correct.

10 Q. In the same paragraph you state that the  
11 box legend of origin is handmade in Esteli,  
12 E-S-T-E-L-I, Nicaragua; is that correct?

13 A. That's correct.

14 Q. Can you point to me where in the image  
15 provided -- strike that.

16 Can you point to me where in the images  
17 provided as Annex E to your declaration it states  
18 Handmade in Esteli, Nicaragua?

19 A. It doesn't say that. It says, Handmade  
20 by General Cigar Company in the Dominican Republic.

21 Q. In Paragraph 17(g) of your declaration,  
22 you attach as Annex H photographs of the current  
23 configuration of the COHIBA Blue cigar; is that  
24 correct?

25 A. Will you repeat the -- I'm sorry, will

1 you repeat the question?

2 Q. No problem.

3 In Paragraph 17(g), as in Gary, you  
4 attach as Annex H, as in Harry, a photograph of the  
5 current configuration of the COHIBA Blue cigar; is  
6 that correct?

7 A. That's correct.

8 MR. FRANK: I'm going to introduce as  
9 Exhibit 7, Petitioner's Exhibit 7, a true and  
10 correct copy of Annex H to your declaration.  
11 Please let me know when you've received it,  
12 Mr. Abbot and Mr. Deutsch.

13 (Petitioner Exhibit 7 marked for  
14 identification.)

15 MR. DEUTSCH: Received it.

16 THE WITNESS: I've received it.

17 BY MR. FRANK:

18 Q. Is Petitioner's Exhibit 7 a true and  
19 correct copy of Annex H to your declaration?

20 A. Yes.

21 Q. The first image is of a General Cigar  
22 COHIBA Blue cigar in a tube; is that correct?

23 A. Yes.

24 Q. Isn't it correct that General Cigar --  
25 strike that.

1                   Isn't it true that General Cigar COHIBA  
2 Blue cigars in a tube are sold individually at  
3 stores in the United States?

4           A.     Yes.

5           Q.     The second image is of a General Cigar  
6 COHIBA Blue cigar without a tube; is that correct?

7           A.     Yes.

8           Q.     Isn't it true that General Cigar COHIBA  
9 Blue cigars are sold without a tube, individually,  
10 at stores in the United States?

11          A.     Yes.

12          Q.     In the same paragraph you state that the  
13 legend of origin on the cigar band is Republica  
14 Dominicana; is that correct? I'm referring to --

15          A.     Yeah.

16          Q.     -- Paragraph 17 of your declaration.

17          A.     That's correct.

18          Q.     Can you point to where in the first two  
19 images attached as Annex H to your declaration it  
20 states Republica Dominicana on the cigar band?

21          A.     Republica Dominicana is in the silver  
22 bands above and below the word COHIBA.

23          Q.     That's the silver font on a silver  
24 background; is that correct?

25          A.     Correct.

1 Q. And the third and fourth images of  
2 Petitioner's Exhibit 7, those are of a box of  
3 General Cigar COHIBA blue cigars; is that correct?

4 A. That's correct.

5 Q. And the fifth image is of the bottom of a  
6 box of General Cigar COHIBA Blue cigars; is that  
7 correct?

8 A. That's correct.

9 Q. In Paragraph 17(h), as in Harry, of your  
10 declaration, you attach as Annex I, as in indigo,  
11 photographs of the current configuration of the  
12 COHIBA Royale cigar; is that correct?

13 A. That's correct.

14 MR. FRANK: I'm going to introduce as  
15 Exhibit H to your -- strike that.

16 I'm going to introduce as Exhibit 8 a  
17 true and correct copy of Annex I to your  
18 declaration.

19 (Petitioner Exhibit 8 marked for  
20 identification.)

21 MR. FRANK: Please let me know when  
22 you've received that, Mr. Abbot and  
23 Mr. Deutsch.

24 MR. DEUTSCH: I've received it.

25 THE WITNESS: I've received it as well.

1 BY MR. FRANK:

2 Q. Is Petitioner's Exhibit 8 a true and  
3 correct copy of Annex I to your declaration?

4 A. Yes.

5 Q. The first image is of a box of General  
6 Cigar COHIBA Royale cigars; is that correct?

7 A. Yes.

8 MR. FRANK: Just for the purposes of the  
9 court reporter, Royale is spelled R-O-Y-A-L-E.

10 BY MR. FRANK:

11 Q. The second image is a carton of General  
12 Cigar's COHIBA Royale cigars; is that correct?

13 A. That's correct.

14 Q. In the cigar band for the General Cigar  
15 COHIBA Royale cigars, does it state Republica  
16 Dominicana anywhere on the band?

17 A. No.

18 Q. Does it state any country of origin on  
19 the band of a General Cigar COHIBA Royale cigar?

20 A. No.

21 Q. I should have said does it state any  
22 country on the band of a General Cigar COHIBA  
23 Royale cigar?

24 A. No.

25 Q. The third image is of an individual



1 General Cigar COHIBA Royale cigar; is that correct?

2 A. Correct.

3 Q. And the fourth image is of the back of a  
4 carton of General Cigar COHIBA Royale cigars; is  
5 that correct?

6 A. Correct.

7 Q. Can you please read into the record the  
8 words that are to the right of the barcode on the  
9 fourth image?

10 A. 5 Cigars, Handmade by Honduras American  
11 Tabaco, S.A., in Honduras, Sale only allowed in the  
12 United States.

13 Q. This carton of General Cigar COHIBA  
14 Royale cigars does not state anywhere that they are  
15 made by General Cigar; is that correct?

16 A. Correct.

17 Q. Do you know if General Cigar has a  
18 contractual arrangement with Honduras American  
19 Tabaco, for the court reporter, T-A-B-A-C-O, S.A.,  
20 in Honduras to make the General Cigar COHIBA Royale  
21 cigar?

22 A. I don't know that information.

23 Q. The fifth image is the bottom of a box of  
24 General Cigar COHIBA Royale cigars; is that  
25 correct?

1 A. Correct.

2 Q. Is there a sticker -- strike that.

3 And this is a sample box of General Cigar  
4 COHIBA Royale cigars; is that correct?

5 A. This is the ten-count box of COHIBA  
6 Royale cigars.

7 Q. Is there a sticker on the bottom of boxes  
8 of General Cigar COHIBA Royale cigars?

9 A. Yes.

10 Q. And to your knowledge, is the sticker on  
11 the fifth image of Annex I to your declaration the  
12 sticker that is on the bottom of all boxes of  
13 General Cigar COHIBA Royale cigars?

14 A. Yes.

15 Q. And can you read, please, into the record  
16 what that sticker says?

17 A. COHIBA Royale, Gran Royale 10's, barcode  
18 is listed. And it says, COHIBA Royale 10 cigars,  
19 Product of Honduras.

20 Q. Thank you.

21 Apart from the sticker, are there other  
22 words on the bottom of boxes of General Cigar  
23 COHIBA Royale cigars?

24 A. Yes.

25 Q. And can you read those words into the

1 record, please?

2 A. 10 cigars, Handmade by Honduras American  
3 Tabaco, S.A. In Honduras.

4 Q. Thank you.

5 Isn't it true that General Cigar COHIBA  
6 Royale cigars are sold individually at stores in  
7 the United States?

8 A. Yes.

9 Q. In Paragraph 17(i), as in indigo, you  
10 attach as Annex J, as in Jared, a photograph or  
11 photographs of the current configuration of the  
12 COHIBA Connecticut cigar; is that correct?

13 A. Yes.

14 MR. FRANK: Just off the record for a  
15 second.

16 (Discussion off the record.)

17 MR. FRANK: Back on the record.

18 BY MR. FRANK:

19 Q. There was a question pending. Do you  
20 want me to read it back, Mr. Abbot?

21 A. Yes, please.

22 Q. In Paragraph 17(i), as in indigo, you  
23 attached as Annex J, as in Jared, photographs of  
24 the current configuration of the COHIBA Connecticut  
25 cigar; is that correct?

1           A.     Yes.

2                   MR. FRANK: I'm going to introduce as  
3           Exhibit 9, Petitioner's Exhibit 9, a true and  
4           correct copy of Annex J to your declaration.

5                   (Petitioner Exhibit 9 marked for  
6           identification.)

7                   MR. FRANK: Please let me know when  
8           you've received it, Mr. Abbot and  
9           Mr. Deutsch.

10                  THE WITNESS: I've received it.

11                  MR. DEUTSCH: J, yes, I've got J.

12   BY MR. FRANK:

13           Q.     My question is, is Petitioner's Exhibit 9  
14           a true and correct copy of Annex J to your  
15           declaration?

16           A.     Yes.

17           Q.     The first image is of an individual  
18           General Cigar COHIBA Connecticut cigar; is that  
19           correct?

20           A.     Yes.

21           Q.     And the second and third images are of a  
22           box of General Cigar COHIBA Connecticut cigars,  
23           correct?

24           A.     Yes.

25           Q.     The fourth and fifth and sixth images are

1 of a carton of General Cigar's COHIBA Connecticut  
2 cigars; is that correct?

3 A. Yes.

4 Q. And the seventh image is of the bottom of  
5 a box of General Cigar's COHIBA Connecticut cigars;  
6 is that correct?

7 A. Yes.

8 Q. Okay. In Paragraph 18 of your  
9 declaration, you attach as Annex K, as in Kevin,  
10 photographs of the current configurations of COHIBA  
11 Red Dot miniatures sold in packages of ten cigars,  
12 and COHIBA Red Dot Pequeños, P-E-Q-U-E-N, that N  
13 with the little line over it, O, COHIBA Black  
14 Pequeños, COHIBA Blue Pequeños, and COHIBA  
15 Nicaragua Pequeños cigars; is that correct?

16 A. Yes.

17 MR. FRANK: I'm going to introduce  
18 Petitioner's Exhibit 10 a true and correct  
19 copy of Annex K to your declaration.

20 (Petitioner Exhibit 10 marked for  
21 identification.)

22 MR. FRANK: Please let me know when  
23 you've received it, Mr. Deutsch and  
24 Mr. Abbot.

25 MR. DEUTSCH: Received it.

1 THE WITNESS: I received it.

2 BY MR. FRANK:

3 Q. Please take your time to review, and let  
4 me know if Petitioner's Exhibit 10 is a true and  
5 correct copy of Annex K to your declaration.

6 A. Okay. Yes, it is the -- it is a correct  
7 representation.

8 Q. Please turn to the tenth image in this  
9 exhibit. It's a gray -- the back of a gray tin.  
10 And my question is, is this the image of the back  
11 of a tin of COHIBA Nicaragua Pequeños cigars?

12 A. Yes.

13 Q. And this image is of a back of the COHIBA  
14 Nicaragua Pequeños cigars. This is a sample of  
15 what tins of COHIBA Nicaragua Pequeños cigars  
16 normally look like; is that correct?

17 A. Yes.

18 Q. And it states here, Handmade by  
19 Scandinavian Tobacco Group, Esteli, S.A. in  
20 Nicaragua.

21 Is that correct?

22 A. Correct.

23 Q. And this tin of COHIBA Nicaragua Pequeños  
24 cigars does not state anywhere that they are made  
25 by General Cigar; is that correct?

1 A. That's correct.

2

[REDACTED]



1 MR. FRANK: Off the record.

2 (Discussion off the record.)

3 (Luncheon Recess taken at 1:13 p.m.,  
4 proceedings resumed at 1:55 p.m.)

5 MR. FRANK: Back on the record.

6 BY MR. FRANK:

7 Q. In Paragraph 18 of your declaration,  
8 Mr. Abbot, you state that the price range for small  
9 cigars is \$19.99 to \$23.99 per tin; is that  
10 correct?

11 A. That's correct. For the COHIBA brand,  
12 it's that price range.

13 Q. That was going to be my next question.  
14 The tin of COHIBA miniature cigars  
15 contains ten cigars; is that correct?

16 A. I'd have to check the documents. I don't  
17 recall specifically whether it's 10 or 20.

18 Q. Are you referring in paragraph 18 to  
19 General Cigar's suggested retail price for small  
20 COHIBA cigars?

21 A. Okay. I stand corrected. I am looking  
22 back at my declaration, and I see that I did state  
23 that they are sold in ten -- packages of ten  
24 cigars, so that is correct.

25 Q. Okay. Thank you for that clarification.



1 Referring back to Paragraph 18, the  
2 prices that you include in Paragraph 18 of your  
3 declaration are General Cigar's suggested retail  
4 price for small COHIBA cigars; is that correct?

5 A. That's correct.

6 Q. And that was the General Cigar's  
7 suggested retail price at the time of signing your  
8 declaration; is that correct?

9 A. That's correct.

10 Q. And General Cigar has sold small COHIBA  
11 cigars for many years; is that correct?

12 A. Yes.

13 Q. And has General Cigar sold small COHIBA  
14 cigars for each year since you started at General  
15 Cigar?

16 A. Yes.

17 Q. And do you know if General Cigar had sold  
18 small COHIBA cigars prior to your starting at  
19 General Cigar?

20 A. Yes.

21 Q. And has the suggested retail price for  
22 General Cigar's small COHIBA cigars gone up over  
23 the years?

24 A. Yes.

25 Q. And do you know what the suggested retail

1 price range for General Cigar's small COHIBA cigars  
2 was in 2018?

3 A. I do not recall specifically.

4 Q. Do you recall for 2017?

5 A. No.

6 Q. Do you recall for 2016?

7 A. No.

8 Q. Do you recall for any year prior to 2016?

9 A. I don't recall the specifics of the price  
10 range, but know that the prices have gone up only,  
11 you know, very small increments due to general  
12 price increases over the course of our business  
13 history.

14 Q. Do you know what the increments have been  
15 on a year-by-year basis?

16 A. Not exactly.

17 Q. And isn't it true that places selling  
18 small COHIBA -- strike that.

19 Isn't it true that places selling small  
20 General Cigar COHIBA cigars sell at prices below  
21 the suggested retail price?

22 A. I'm not aware of that.

23 Q. Do you know what the lowest actual price  
24 at which General Cigar's small COHIBA cigars are  
25 sold at stores in the United States?

1 A. I do not.

2 Q. In Paragraph 24 of your declaration, if  
3 you could turn there for a second. Let me know  
4 when you're there.

5 A. I'm at Paragraph 24 now.

6 Q. You provide the annual sales statistics  
7 for General Cigar's COHIBA cigars to General  
8 Cigar's direct accounts, less FET taxes and  
9 discounts; is that correct?

10 A. Yes.

11 Q. And these statistics include sales of all  
12 General Cigar's COHIBA cigars; is that correct?

13 A. That's correct.

14 Q. And that includes sales of General  
15 Cigar's small COHIBA cigars; is that correct?

16 A. Yes.

17 Q. How many of these sales indicated in the  
18 table in Paragraph 24 of your declaration were for  
19 General Cigar's small COHIBA cigars?

20 A. I don't have that, exact numbers.

21 Q. Do you know how many units of General  
22 Cigar's small COHIBA cigars were sold to its direct  
23 accounts in 2019?

24 A. I don't recall.

25 Q. Do you know how many units of General

1 Cigar's small COHIBA cigars were sold to its direct  
2 accounts in 2018?

3 A. I don't recall.

4 Q. What about for any year prior to 2018?

5 A. No.

6 Q. Do you know how many units of General  
7 Cigar's small COHIBA cigars were sold by General  
8 Cigar to its distributors in 2019?

9 A. I don't recall that information.

10 Q. What about in 2018?

11 A. I don't recall that as well.

12 Q. For any year prior to 2018?

13 A. No.

14 Q. You state in your declaration that you  
15 graduated from William & Mary College; is that  
16 correct?

17 A. Yes.

18 Q. And what year was that?

19 A. 1990.

20 Q. You then state that you obtained a  
21 master's degree from the University of Oregon; is  
22 that correct?

23 A. Yes.

24 Q. And what year was that?

25 A. 1995.

1 Q. And did you start your master's program  
2 right after graduating William & Mary College?

3 A. No.

4 Q. What did you do in between graduating  
5 from William & Mary and entering into the master's  
6 program at the University of Oregon?

7 A. I worked for Arthur Andersen as an  
8 auditor.

9 Q. And did your work at Arthur Andersen  
10 concern cigars?

11 A. No.

12 Q. Did your work at Arthur Andersen concern  
13 tobacco?

14 A. No.

15 Q. What years did you work at Arthur  
16 Andersen?

17 A. 1990 to 1993.

18 Q. And did you go from Arthur Andersen to  
19 begin your master's degree program at the  
20 University of Oregon?

21 A. Yes.

22 Q. And after graduating from the University  
23 of Oregon, what did you do after that?

24 A. I worked for a manufacturing company  
25 called West Ridge Designs.

1 Q. And did your work at West Ridge Designs  
2 concern cigars?

3 A. No.

4 Q. Did your work at West Ridge Designs  
5 concern tobacco?

6 A. No.

7 Q. After you stopped working at West Ridge  
8 Designs, did you work at Mckenzie Kids?

9 A. Yes.

10 Q. Was that right after you left West Ridge  
11 Designs?

12 A. Yes.

13 Q. And did your work at Mckenzie Kids  
14 concern cigars?

15 A. No.

16 Q. Did your work at Mckenzie Kids concern  
17 tobacco?

18 A. No.

19 Q. And did you go from Mckenzie Kids to then  
20 start working at Fruit of the Loom?

21 A. Yes.

22 Q. And did your work at Fruit of the Loom  
23 concern cigars?

24 A. No.

25 Q. Did your work at Fruit of the Loom

1 concern tobacco?

2 A. No.

3 Q. After working at Fruit of the Loom, you  
4 worked at Heinz; is that correct?

5 A. Correct.

6 Q. Did your work at Heinz concern cigars?

7 A. No.

8 Q. Did your work at Heinz concern tobacco?

9 A. No.

10 Q. After working at Heinz, you worked at  
11 Del Monte, M-O-N-T-E, Foods; is that correct?

12 A. Yes.

13 Q. And did your work at Del Monte Foods  
14 concern cigars?

15 A. No.

16 Q. Did your work at Del Monte Foods concern  
17 tobacco?

18 A. No.

19 Q. You also said you obtained an MBA; is  
20 that correct?

21 A. Yes.

22 Q. What year was that?

23 A. 1995.

24 Q. Did any of your work on your MBA concern  
25 cigars?

1 A. No.

2 Q. Did any of your work during the course of  
3 your MBA concern tobacco?

4 A. No.

5 Q. After working at Del Monte Foods, you  
6 joined Swedish Match in 2006; is that correct?

7 A. Yes.

8 Q. And you worked -- your work from 2006 to  
9 2013 at Swedish Match concerned smokeless tobacco  
10 products; is that correct?

11 A. Yes.

12 Q. And to your knowledge, are cigars a  
13 smokeless tobacco product?

14 A. No.

15 Q. Can you please review Paragraph 22 of  
16 your declaration. Let me know when you're done.

17 A. Okay. I've reviewed it.

18 Q. You previously testified that you did not  
19 work at General Cigar until 2014; is that correct?

20 A. Correct.

21 Q. Did you write the statements included in  
22 Paragraph 22 of your declaration?

23 A. I worked with legal counsel to draft  
24 this, so they drafted it based on my discussions  
25 with them in reviews with me.



1 Q. Are the statements included in Paragraph  
2 22 of your declaration based on your review of any  
3 document?

4 A. Yes.

5 Q. Which document?

6 A. The September/October 2012 issue of Cigar  
7 Aficianado, the article entitled "A brief history  
8 of the cigar industry."

9 Q. Are the statements included in Paragraph  
10 22 of your declaration based on your review of any  
11 other document?

12 A. Not to my recollection.

13 Q. Are the statements included in Paragraph  
14 22 of your declaration based on anything other than  
15 your review of the September/October 2012 issue of  
16 Cigar Aficianado article entitled "A brief history  
17 of the cigar industry"?

18 A. Yes. It's based on my discussions and  
19 history with the company, discussions over time  
20 with multiple people that shed light on the history  
21 of both General Cigar COHIBA and the category in  
22 general -- the cigar category in general.

23 Q. You say "discussions with multiple  
24 people." Can you identify each of the people --  
25 each of these people?

1           A.    I don't recall the specific discussions.  
2    They happened over, you know, the five to six,  
3    seven years that I've been with General Cigar.

4           Q.    Do you recall the names of any of the  
5    individuals?

6           A.    I don't recall any specifics.

7           Q.    Nor the date when you had the  
8    conversation?

9           A.    I don't recall.

10          Q.    Do you recall the responsibilities of the  
11   person with whom you had those conversations?

12          A.    No.

13          Q.    Do you recall how many conversations you  
14   had with each of the persons that you referenced?

15          A.    I do not.

16          Q.    Do you recall if any of the people with  
17   whom you spoke were working at General Cigar  
18   between 1978 and 1987?

19          A.    I don't recall any specifics of any  
20   conversations.

21          Q.    Do you know if any of the people with  
22   whom you spoke were working at General Cigar  
23   between 1987 and 1992?

24          A.    I don't know that.

25          Q.    Do you know if any of the people with

1     whom you spoke were working at General Cigar  
2     between 1992 and 1997?

3             A.     I don't recall any of the specifics.

4             Q.     Do you recall if any of the people with  
5     whom you spoke were working at General Cigar  
6     between 1997 and 2000?

7             A.     I don't recall any of the specifics.

8             Q.     Can you please review Paragraph 23 of  
9     your declaration. Let me know when you're done.

10            A.     I'm done.

11            Q.     Let me just go back to Paragraph 22 for a  
12   second. Other than the one document you identified  
13   and the conversations that we had just gone over,  
14   are the statements in Paragraph 22 based on any  
15   other information?

16            A.     No information than what I just stated  
17   previously.

18            Q.     Thank you.

19                    Paragraph 23, did you write the  
20   statements included in Paragraph 23 of your  
21   declaration?

22            A.     I drafted those with the assistance of  
23   legal counsel, based on our -- based on their  
24   interviews of me, and multiple revisions of this  
25   document.

1 Q. Are the statements included in Paragraph  
2 23 of your declaration based on your review of  
3 documents?

4 A. No.

5 Q. Are the statements included in Paragraph  
6 23 based on your conversations with any individual?

7 A. Yes.

8 Q. Is that -- are the statements included in  
9 Paragraph 23 based on your conversations with one  
10 individual or more than one individual?

11 A. They're based on my conversations with  
12 multiple individuals.

13 Q. And can you identify by name each of  
14 those individuals?

15 A. I don't recall any specific  
16 discussions -- I'm sorry. I don't recall any  
17 specifics on those discussions.

18 Q. Do you recall when those discussions  
19 occurred?

20 A. No.

21 Q. Do you recall the job title of any of  
22 those individuals?

23 A. No.

24 Q. Do you recall whether or not any of those  
25 individuals were working at General Cigar in

1 between -- strike that.

2 Do you recall if any of those individuals  
3 were working at General Cigar prior to 1997?

4 A. I don't know that information.

5 Q. Do you know when any of those individuals  
6 started working at General Cigar?

7 A. I don't know. And I don't recall any  
8 specifics of the conversations.

9 Q. Other than these conversations with  
10 multiple individuals, are the statements in  
11 Paragraph 23 of your declaration based on anything  
12 else?

13 A. No.

14 Q. And can you please turn to Paragraph  
15 8(d), as in David. Let me know when you're there.

16 A. Okay. I'm there.

17 Q. You state in Paragraph 8(d) of your  
18 declaration that: U.S. consumers of premium cigars  
19 are well aware that since 1962, the United States  
20 Government has imposed a strict embargo on  
21 commercial importation and sale of Cuban-origin  
22 goods. As a result, they are aware that no Cuban  
23 cigar may be commercially sold in the United  
24 States, and that any cigar they buy from a U.S.  
25 cigar store or a U.S. cigar internet or mail order

1 merchant is not a Cuban cigar.

2 Is that what you state in Paragraph 8(d)?

3 A. That's correct.

4 Q. Is your statement in Paragraph 8(d) that  
5 U.S. cigar -- strike that.

6 Is your statement in Paragraph 8(d) that  
7 U.S. consumers of premium cigars are well aware  
8 that since 1962 the U.S. Government has imposed a  
9 strict embargo on commercial importation and sale  
10 of Cuban-origin goods, is that statement based on a  
11 consumer survey?

12 A. Not a formal consumer survey.

13 Q. Is that statement based on any consumer  
14 research by a third party?

15 A. No.

16 Q. Is that statement in Paragraph 8(d), that  
17 U.S. consumers of premium cigars are well aware  
18 that since 1962 the U.S. Government has imposed a  
19 strict embargo on commercial importation and the  
20 sale of Cuban-origin goods, is that statement based  
21 on any consumer research by General Cigar?

22 A. That's based on my own personal knowledge  
23 within the category talking with consumers,  
24 retailers, and reading media -- media reports.

25 Q. Is your statement in Paragraph 8(d) that

1 U.S. consumers of premium cigars are aware that no  
2 Cuban cigar may be commercially sold in the United  
3 States and that any cigar they buy from a U.S.  
4 store or a U.S. cigar internet or mail order  
5 merchant is not a Cuban cigar, is that statement  
6 based on a consumer survey?

7 A. No.

8 Q. Is that statement based on any consumer  
9 research by any third party?

10 A. No.

11 Q. Is that statement based on any consumer  
12 research by General Cigar?

13 A. No.

14 Q. You state in Paragraph 8(g), as in Gary,  
15 that U.S. premium cigar consumers are well aware  
16 that this, I believe is reference to a Cuban COHIBA  
17 cigar, is a different cigar from the COHIBA sold by  
18 General Cigar in the U.S., and that they cannot buy  
19 this COHIBA in the U.S.

20 Is that what you state?

21 A. Yes.

22 Q. And is your statement in Paragraph 8(g)  
23 that U.S. premium cigar consumers are well aware  
24 that this is a different cigar from the COHIBA sold  
25 by General Cigar in the United States, and that

1 they cannot buy this COHIBA in the United States,  
2 is that statement based on a consumer survey?

3 A. Not a formal survey, but a survey of my  
4 own -- you know, based on my own knowledge,  
5 discussions with consumers, discussions with  
6 retailers, and, you know, looking at media,  
7 magazines.

8 Q. Is that statement in Paragraph 8(g) that  
9 I just read, is that based on any consumer research  
10 by any third party?

11 A. No.

12 Q. Is that statement based on any consumer  
13 research by General Cigar?

14 A. No.

15 Q. In Paragraph 31, if we could go to 31.  
16 Let me know when you're there.

17 A. I'm at 31.

18 Q. You state: As the manager who was  
19 charged with marketing the COHIBA cigar in to U.S.  
20 -- strike that.

21 In Paragraph 31 you state: As the  
22 manager who was charged with marketing the COHIBA  
23 cigar to U.S. consumers, and who continues to work  
24 in the marketing of premium cigars, and based on my  
25 many interactions with cigar consumers and



1     retailers, I have concluded that the decision of a  
2     consumer to purchase COHIBA cigars is made  
3     carefully, and not casually or without knowledge as  
4     to what is being bought.

5                     Is that what you state?

6             A.     That's correct.

7             Q.     How many cigar consumers did you speak  
8     with in 2014?

9             A.     I don't recall.

10            Q.     Do you know if it was more than ten?

11            A.     Yes.

12            Q.     Do you know if it was more than 50?

13            A.     I don't recall if it was more than 50 or  
14     not.

15            Q.     Do you recall if it was more than 25?

16            A.     I don't recall.

17            Q.     Do you recall how many cigar consumers  
18     you spoke with in 2015?

19            A.     I don't recall that.

20            Q.     Do you know if it was more than ten?

21            A.     Yes.

22            Q.     Do you know if it was more than 25?

23            A.     I don't recall that.

24            Q.     Do you recall how many cigar consumers  
25     you spoke with in 2016?

1 A. I don't recall that.

2 Q. Do you recall if it was more than ten?

3 A. Yes.

4 Q. Do you recall if it was more than 25?

5 A. I do not recall.

6 Q. Do you recall how many cigar consumers  
7 you spoke with in 2017?

8 A. I don't recall.

9 Q. Do you recall if it was more than 25?

10 A. I don't recall.

11 Q. Do you recall how many cigar consumers  
12 you spoke with in 2018?

13 A. I don't recall.

14 Q. Do you recall if it was more than 25?

15 A. I don't recall.

16 Q. Do you recall how many cigar consumers  
17 you spoke with in 2019?

18 A. I don't recall that information.

19 Q. And do you know if it was more than 25 in  
20 2019?

21 A. I don't recall.

22 Q. How about in 2020, do you know how many  
23 cigar consumers you spoke with in 2020?

24 A. I don't recall.

25 Q. Do you know if it was more than ten?

1 A. Yes.

2 Q. Do you know if it was more than 25?

3 A. No, it was not more than 25.

4 Q. I'm going to address -- the next series  
5 of questions will be about the cigar consumers you  
6 spoke with in 2014, until I indicate otherwise. Do  
7 you understand?

8 A. Yes.

9 Q. Did you take any notes during these  
10 conversations with cigar consumers in 2014 while  
11 they were happening?

12 A. I did not.

13 Q. Did you memorialize any of your  
14 interactions with cigar consumers in 2014 after the  
15 fact in any written document?

16 A. No.

17 Q. Do you recall how many of your  
18 interactions with cigar consumers in 2014 occurred  
19 at retail cigar stores? Before I begin -- before  
20 you answer, by "retail cigar stores," I'm  
21 referring, as before, to stores that primarily sell  
22 cigars and cigar products.

23 A. I don't recall a specific number of  
24 consumers that I talked to at retail cigar stores.

25 Q. Do you recall if your conversations with

1 cigar consumers in 2014 occurred in more than one  
2 location?

3 A. Yes.

4 Q. What kind of locations did they occur in?

5 A. I don't recall the specific number of  
6 locations.

7 Q. Do you know, is it more than two?

8 A. Yes.

9 Q. Is it more than five?

10 A. Yes.

11 Q. And do you know what cities those  
12 location -- those interactions took place in?

13 A. I don't recall all those locations.

14 Q. Do you recall any of them?

15 A. Yes.

16 Q. What were the locations? What were the  
17 cities?

18 A. Washington, D.C. Richmond, Virginia.  
19 And that's all I recall.

20 Q. Do you recall where in Washington, D.C.  
21 you interacted with cigar consumers in 2014?

22 A. No.

23 Q. Do you recall where in Richmond,  
24 Virginia, you interacted with cigar consumers in  
25 2014?

1 A. At Havana Connections in Short Pump.

2 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

6 Q. I see. It's a geographic location?

7 A. Correct. And that's all I recall at this  
8 time, yeah.

9 Q. Did you ask any of the cigar consumers  
10 with whom you spoke to in 2014 how frequently they  
11 bought cigars in a year?

12 A. I don't recall the specific -- that  
13 specific question, if I asked them that specific  
14 question or not.

15 Q. Did you otherwise know how many cigars  
16 the cigar consumers you spoke with in 2014, how  
17 many cigars they bought in a year?

18 A. Will you repeat the question?

19 Q. For your interactions with cigar  
20 consumers in 2014, do you know how frequently they  
21 bought cigars in a year?

22 A. I don't recall that information.

23 Q. Did you ask any of the cigar consumers  
24 with whom you spoke in 2014 for how long he or she  
25 had been smoking cigars?

1 A. Again, I don't recall that specific  
2 question, if I asked that specific question or not.

3 Q. Did you otherwise know for how long any  
4 of the cigar consumers with whom you spoke in 2014  
5 had been smoking cigars?

6 A. I don't recall.

7 Q. Did you ask any of the cigar consumers  
8 with whom you spoke in 2014 if they read cigar  
9 magazines?

10 A. I don't recall asking them that question.

11 Q. Do you otherwise know whether any of the  
12 cigar consumers with whom you spoke in 2014 read  
13 cigar magazines?

14 A. I don't recall that information.

15 Q. Did you ask any of the cigar consumers  
16 with whom you spoke in 2014 if they read books on  
17 cigars?

18 A. No, I did not ask them that question.

19 Q. Do you otherwise know if any of the cigar  
20 consumers with whom you spoke in 2014 read books on  
21 cigars?

22 A. I don't know that information.

23 Q. Do you recall how many of these  
24 conversations with cigar consumers in 2014 lasted  
25 more than one minute?

1 A. I don't recall specifics of that.

2 Q. Do you recall how many of the cigar  
3 consumers with whom you spoke in 2014, how many of  
4 them bought General Cigar COHIBA cigars?

5 A. I don't recall that information.

6 Q. Do you know how -- for the cigar  
7 consumers with whom you spoke in 2014, do you know  
8 how frequently any of them bought General Cigar  
9 COHIBA cigars?

10 A. No.

11 Q. For the cigar consumers with whom you  
12 spoke in 2014, do you know for how long any of them  
13 had been buying General Cigar COHIBA cigars?

14 A. I don't recall that information.

15 Q. For the cigar consumers with whom you  
16 spoke in 2014, do you know if any of them had  
17 bought General Cigar's small COHIBA cigars?

18 A. I don't recall specifically that  
19 information.

20 Q. Do you recall in how many of your  
21 interactions with cigar consumers in 2014 the  
22 consumer asked about General Cigar's COHIBA cigar?

23 A. Can you repeat that question?

24 Q. Do you recall in how many of your  
25 interactions with cigar consumers in 2014, in how

1 many of those interactions did the consumer ask  
2 about General Cigar's COHIBA cigar?

3 A. I don't recall that information.

4 Q. In your interactions with cigar consumers  
5 in 2014, did the consumer ever raise the issue of  
6 the Cuban COHIBA cigar?

7 A. No.

8 Q. In your interactions with cigar consumers  
9 in 2014, did you ever raise the issue of the Cuban  
10 COHIBA cigar?

11 A. No.

12 Q. Do you recall if any of your interactions  
13 with consumers in 2014 did not take place at a  
14 retail cigar store?

15 A. I don't recall that information.

16 Q. Do you recall if any of your interactions  
17 with consumers in 2014 took place at a gas station?

18 A. There was no interactions with consumers  
19 at gas stations.

20 Q. Did any of your interactions with cigar  
21 consumers in 2014 take place at a liquor store?

22 A. No.

23 Q. Did any of your interactions with cigar  
24 consumers take place at a convenience store in  
25 2014?



1 A. No.

2 Q. Did any of your interactions with  
3 consumers take place at a newsstand in 2014?

4 A. No.

5 Q. Did any of your interactions with cigar  
6 consumers in 2015 not take place at a retail cigar  
7 store?

8 A. I don't recall that information.

9 Q. How about in 2016?

10 A. The question?

11 Q. Did any of your interactions with cigar  
12 consumers in 2016 not take place at a retail cigar  
13 store?

14 A. That, I don't recall.

15 Q. Did any of your interactions with  
16 consumers in 2017 not take place at a retail cigar  
17 store?

18 A. I don't recall that.

19 Q. Did any of your interactions with cigar  
20 consumers in 2018 not take place at a retail cigar  
21 store?

22 A. As far as the specific year, I don't  
23 recall if that was the case.

24 Q. Did any of your interactions with cigar  
25 consumers in 2019 not take place at a retail cigar

1 store?

2 A. Again, I don't recall specifically in  
3 that year what -- where and when those  
4 interactions, how many, if that would have been  
5 outside of retail environment or not. I just don't  
6 recall that.

7 Q. Did any of these interactions with cigar  
8 consumers in 2015 take place at a gas station?

9 A. No.

10 MR. DEUTSCH: You just changed the date  
11 to 2015; is that correct?

12 MR. FRANK: That's correct.

13 THE WITNESS: No, they did not.

14 BY MR. FRANK:

15 Q. Did any of your interactions with cigar  
16 consumers in 2016 take place at gas stations?

17 A. No.

18 Q. Did any of your interactions with cigar  
19 consumers in 2017 take place at gas stations?

20 A. No.

21 Q. Did any of your interactions with cigar  
22 consumers in 2018 take place at gas stations?

23 A. No.

24 Q. Did any of your interactions with cigar  
25 consumers in 2019 or 2020 take place at gas

1 stations?

2 A. No.

3 Q. Did any of your interactions with cigar  
4 consumers in 2015 take place at liquor stores?

5 A. No.

6 Q. Did any of your interactions with cigar  
7 consumers between 2016 and 2020 take place at  
8 liquor stores?

9 A. No.

10 Q. Did any of your interactions with cigar  
11 consumers in between 2015 and 2020 take place at a  
12 convenience store?

13 A. No.

14 Q. Did of your interactions with cigar  
15 consumers in between 2015 and 2020 take place at a  
16 newspaper stand?

17 A. No.

18 Q. And how many different locations did you  
19 speak with cigar consumers in 2015?

20 A. I don't recall the specific number of  
21 locations.

22 Q. Do you recall if it was more than two?

23 A. Yes.

24 Q. Do you recall if it was less than ten?

25 A. I don't recall that.

1 Q. Do you recall if it was more than five?

2 A. Yes, it was more than five.

3 Q. Do you recall the cities in which those  
4 interactions with cigar consumers took place in  
5 2015?

6 A. I don't specifically.

7 Q. Do you recall the specific location where  
8 your interactions with cigar consumers took place  
9 in 2015?

10 A. No.

11 Q. In 2016, do you recall in how many  
12 different locations you interacted with cigar  
13 consumers?

14 A. I do not recall that.

15 Q. Do you recall the cities in which you  
16 interacted with cigar consumers in 2016?

17 A. No, I don't recall that.

18 Q. Do you recall the locations, the name of  
19 the locations where you interacted with cigar  
20 consumers in 2016?

21 A. No, I don't recall that.

22 Q. 2017, do you recall the number of  
23 locations in which you interacted with cigar  
24 consumers?

25 A. No, I don't recall.

1 Q. Do you recall the cities in which you  
2 interacted with cigar consumers?

3 A. No, I don't recall that.

4 Q. Do you recall the names of any of the  
5 locations where you interacted with cigar  
6 consumers?

7 A. No, I don't recall.

8 Q. Do you recall -- strike that.

9 In 2018, do you recall the number of  
10 locations in which you interacted with cigar  
11 consumers?

12 A. No, I don't.

13 Q. Do you recall the number of cities in  
14 which you interacted with cigar consumers in 2018?

15 A. No, I don't.

16 Q. Do you recall the names of any of the  
17 locations in which you interacted with cigar  
18 consumers in 2018?

19 A. I do not recall that.

20 Q. 2019, do you recall the number of  
21 locations in which you interacted with cigar  
22 consumers?

23 A. I don't recall that.

24 Q. Do you recall the number of cities in  
25 which you interacted with cigar consumers?

1 A. No, I don't.

2 Q. Do you recall the number -- I'm sorry,  
3 strike that.

4 In 2019 -- strike that.

5 For your interactions with cigar  
6 consumers in 2019, do you recall the number of  
7 locations in which you interacted with cigar  
8 consumers?

9 A. I don't recall the number of locations.

10 Q. Do you recall the number of cities in  
11 which you interacted with cigar consumers in 2019?

12 A. I don't recall the specific numbers.

13 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

24 Q. Other than those two locations, do you  
25 recall the names of any other locations?

1 A. Yes. Cigar Festival in Pennsylvania.

2 Q. Is that the name of a retail cigar store?

3 A. I'm sorry, that's the name of a cigar  
4 festival held at Cigars International -- by Cigars  
5 International, I'm sorry, a retailer.

6 Q. Is Cigars International owned by the same  
7 company that owns General Cigar, to your knowledge?

8 A. Yes.

9 Q. Do you know if there's a price of  
10 entrance for the cigar festival held by Cigars  
11 International?

12 A. Yes.

13 Q. And do you know how much it is to enter  
14 that festival?

15 A. I don't know the specific amount.

16 Q. Other than the cigar festival, Havana  
17 Connections, and Cigar Realm, do you know of any  
18 other locations in which you interacted with cigar  
19 consumers in 2019?

20 A. I don't recall any more specifics.

21 Q. Do you recall how many consumers you  
22 interacted with at Cigar Realm in 2019?

23 A. I'm sorry, can you repeat that?

24 Q. Do you recall how many cigar consumers  
25 you interacted with at Cigar Realm in 2019?

1 A. Yes. Yes.

2 Q. And how many was that?

3 A. Approximately 15.

4 Q. And do you recall how many consumers you  
5 interacted with at Havana Connections in 2019?

6 A. Approximately four.

7 Q. And do you recall how many cigar  
8 consumers you interacted with at the cigar festival  
9 held by Cigars International in 2019?

10 A. I don't recall that information.

11 Q. For the cigar consumers you interacted  
12 with in 2015, did you ask them how frequently the  
13 cigar consumers bought cigars in a year?

14 A. That would be one of the questions that I  
15 would typically ask, but I don't recall  
16 specifically asking that question -- or the details  
17 of that -- those conversations.

18 Q. Do you recall what any of the answers  
19 were with -- to that question in any of your  
20 conversations with cigar consumers in 2015?

21 A. I don't recall the specifics, no.

22 Q. Do you recall if you otherwise knew how  
23 frequently the cigar consumers with whom you spoke  
24 in 2015, how frequently they bought cigars in a  
25 year?



1           A.    I do remember talking to consumers about  
2   their usage, and having a general idea when I talk  
3   to somebody about their cigar smoking, you know,  
4   behaviors, but I don't recall the specifics of  
5   those conversations.

6           Q.    Do you recall for your conversations with  
7   cigar consumers in 2016, do you recall if you knew  
8   how frequently those cigar consumers bought cigars  
9   in a year?

10          A.    Not -- no, I did not.   I do not.

11          Q.    For 2017, for your interactions with  
12   cigar consumers in 2017, do you know how many  
13   cigars those cigar consumers bought in a year?

14          A.    Yeah, I don't have that information.

15          Q.    For your interactions with cigar  
16   consumers in 2018, do you know how frequently those  
17   cigar consumers bought cigars in a year?

18          A.    Some of them, I -- that would be a  
19   typical question that I would ask them, is, How  
20   often do you buy cigars? But I would not ask them  
21   how many cigars did they buy in that year.

22          Q.    And do you recall any of the cigar  
23   consumers' answers to that typical question in  
24   2019?

25          A.    I don't recall the specifics, no.

1 Q. Do you recall any answers to that  
2 question to cigar consumers in 2017?

3 A. No.

4 Q. Do you recall the answer to that question  
5 to any of the cigar consumers where whom you  
6 interacted in 2014 to '16?

7 A. Would you repeat the question?

8 Q. Do you recall -- you said -- I believe  
9 you testified that a typical question would be to  
10 know how many cigars a consumer with whom you were  
11 interacting smoked.

12 A. Correct.

13 Q. My question is whether or not you recall  
14 the consumers' response to that question for any of  
15 your interactions with consumers in between 2014 to  
16 2016?

17 A. I don't recall the specifics of what they  
18 said, but I would typically ask them, you know, how  
19 many cigars -- excuse me -- would they, you know,  
20 smoke, or how often do they -- how many cigars do  
21 they smoke a week, or what brands do they buy. So  
22 I had good idea of, again, their buying behaviors,  
23 or their smoking behaviors, rather.

24 Q. Do you recall what the smoking behaviors  
25 were for the cigar consumers with whom you

1 interacted with in 2014?

2 A. I don't recall the specifics.

3 Q. Do you recall the cigar smoking behaviors  
4 for the cigar consumers with whom you interacted in  
5 2015?

6 A. Not the specifics, no.

7 Q. Do you recall the cigar smoking behaviors  
8 of the consumers with whom you interacted in 2016,  
9 '17 or '18?

10 A. Not the specific behaviors of each of  
11 those consumers, no.

12 Q. How about 2019?

13 A. No.

14 Q. 2020?

15 A. No. Excuse me. No.

16 Q. Did you ask any of the cigar consumers  
17 with whom you spoke in between 2015 and 2020 for  
18 how long they have been smoking cigars?

19 A. Yes.

20 Q. And do you recall any of their responses?

21 A. Not the specifics.

22 Q. Did you ask any of the cigar consumers  
23 with whom you spoke in 2015 whether or not they  
24 read cigar magazines?

25 A. Could you repeat the question?

1 Q. For your interactions with cigar  
2 consumers in 2015, did you ask any of them if they  
3 had read cigar magazines, any of those consumers?

4 A. I don't recall specifically.

5 Q. Did you ask any of the cigar consumers  
6 with whom you interacted in 2016 to 2019 whether or  
7 not they read cigar magazines?

8 A. I remember asking the question at some  
9 point. I don't recall the year, and I don't recall  
10 the specific conversations.

11 Q. Do you recall how frequently you asked  
12 that question?

13 A. Relatively frequently.

14 Q. Do you recall any of their responses?

15 A. I recall that the people that I talked to  
16 were aware of ratings in these magazines, so -- and  
17 specific reviews. So I don't recall the specifics  
18 of those conversations, but I, you know, recall  
19 talking to consumers, and them talking about  
20 reviews in these magazines.

21 Q. Did you ask any of the cigar consumers  
22 with whom you spoke in 2015 whether or not they  
23 read any books on cigars?

24 A. No.

25 Q. Did you ask any of the cigar consumers

1 with whom you spoke in 2016 to 2019 whether or not  
2 they read any books on cigars?

3 A. I did not ask any consumers about what  
4 books they read on cigars.

5 Q. What about in 2020?

6 A. No.

7 Q. For your conversations with cigar  
8 consumers in 2015, do you recall how many of those  
9 conversations lasted for longer than one minute?

10 A. Not -- I don't recall the specifics on  
11 how many were longer than a minute.

12 Q. Do you recall how many of your  
13 conversations with cigar consumers in 2016 lasted  
14 longer than a minute?

15 A. I don't recall, you know, the length of  
16 any of those conversations to put a time on it, but  
17 typically they were -- you know, most of them were  
18 over -- certainly over a minute.

19 Q. Were they over three minutes?

20 A. I don't know. Probably. I don't recall,  
21 is probably more accurate. I don't recall that.

22 Q. And do you -- your response -- your prior  
23 response, does that cover the entire period between  
24 2015 to 2020?

25 A. My prior response?

1 Q. I'll go through it one by one.

2 For your conversations with cigar  
3 consumers in 2017, do you recall how many of those  
4 conversations lasted longer than one minute?

5 A. I don't -- yeah, I don't recall that  
6 information.

7 Q. Do you recall how many of your  
8 conversations with cigar consumers in 2018 lasted  
9 longer than one minute?

10 A. I don't recall.

11 Q. Do you recall how many of your  
12 conversations with cigar consumers in 2019 lasted  
13 longer than one minute?

14 A. I don't. I don't recall.

15 Q. Do you recall how many of your  
16 conversations with cigar consumers in 2020 lasted  
17 longer than one minute?

18 A. I don't recall.

19 Q. Do you recall how many of your  
20 conversations with cigar consumers in 2017 lasted  
21 longer than three minutes?

22 A. No, I don't recall.

23 Q. Do you recall how many of your  
24 conversations with cigar consumers in 2016 lasted  
25 longer than three minutes?

1 A. No.

2 Q. Do you recall how many of your  
3 conversations with cigar consumers in 2015 lasted  
4 longer than three minutes?

5 A. No.

6 Q. Do you recall how many of your  
7 conversations with cigar consumers in 2014 lasted  
8 longer than three minutes?

9 A. No.

10 Q. Do you recall how many of your  
11 conversations with cigar consumers in 2018 lasted  
12 longer than three minutes?

13 A. No.

14 Q. Do you recall how many of your  
15 conversations with cigar consumers in 2019 lasted  
16 longer than three minutes?

17 A. I mean, I can remember specific  
18 conversations lasting longer than three minutes,  
19 but I don't recall the specific number of those  
20 conversations that lasted beyond three minutes.

21 Q. Do you recall how many of your  
22 conversations with cigar consumers in 2020 lasted  
23 longer than three minutes?

24 A. No.

25 Q. For the cigar consumers with whom you

1 spoke in 2015, do you know how many of them bought  
2 General Cigar COHIBA cigars?

3 A. I don't recall.

4 Q. For the cigar consumers with whom you  
5 spoke in 2016, do you recall how many of them  
6 bought -- strike that.

7 For the cigar consumers with whom you  
8 spoke in 2016, do you know how many of them bought  
9 General Cigar COHIBA cigars?

10 A. I don't recall.

11 Q. For the cigar consumers with whom you  
12 spoke in 2017, do you know how many of them bought  
13 General Cigar COHIBA cigars?

14 A. I don't recall that.

15 Q. For the cigar consumers with whom you  
16 spoke in 2018, do you know how many of them bought  
17 General Cigar COHIBA cigars?

18 A. I don't know the specific numbers.

19 Q. For the cigar consumers with whom you  
20 spoke in 2019, do you know how many bought General  
21 Cigar COHIBA cigars?

22 A. I don't recall that.

23 Q. For the cigar consumers with whom you  
24 spoke in 2020, do you know how many of them bought  
25 General Cigar COHIBA cigars?



1 A. I don't recall specifically.

2 Q. For the cigar consumers with whom you  
3 spoke in 2015, do you know if any of them bought  
4 General Cigar's small COHIBA cigars?

5 A. I don't recall.

6 Q. Okay. For the cigar consumers with whom  
7 you spoke in 2016, do you know if any of them  
8 bought General Cigar's small COHIBA cigars?

9 A. That, I don't recall.

10 Q. For the cigar consumers with whom you  
11 spoke in 2017, do you know if any of them bought  
12 General Cigar's small COHIBA cigars?

13 A. I don't -- yeah, I don't recall if it  
14 was -- yeah, the -- don't recall the specific  
15 dates. I just don't -- I don't recall that.

16 Q. For the cigar consumers with whom you  
17 spoke in 2018, do you know how many -- strike that.

18 For the cigar consumers with whom you  
19 spoke in 2018, do you know if any of them had  
20 bought General Cigar's COHIBA cigars?

21 A. General -- to the consumers that I spoke  
22 to in -- I'm sorry, will you please repeat the  
23 question?

24 Q. Sure.

25 For the cigar consumers with whom you

1 spoke in 2018, do you know if any of them had  
2 bought General Cigar's small COHIBA cigars?

3 A. I don't recall.

4 Q. For the cigar consumers with whom you  
5 spoke in 2019, do you know if any of them had  
6 bought General Cigar's small COHIBA cigars?

7 A. I don't recall that either.

8 Q. And for the cigar consumers with whom you  
9 spoke in 2020, do you know if any of them had  
10 bought General Cigar's small COHIBA cigars?

11 A. I don't know that -- I don't know that  
12 information.

13 Q. In how many of your interactions with  
14 cigar consumers in 2015 did these consumers ask  
15 about General Cigar's COHIBA cigars?

16 A. I don't recall the specifics of those  
17 conversations.

18 Q. In how many of your interactions with  
19 cigar consumers in 2016 did these consumers ask  
20 about General Cigar's COHIBA cigar?

21 A. I don't recall that.

22 Q. In how many of your interactions with  
23 cigar consumers in 2017 did these consumers ask  
24 about General Cigar's COHIBA cigars?

25 A. I can remember specific questions on

1 COHIBA, but I don't recall the specifics of those  
2 conversations or how many of those conversations  
3 happened in that year.

4 Q. In how many of your interactions with  
5 cigar consumers in 2018 did these consumers ask  
6 about General Cigar's COHIBA cigars?

7 A. I don't recall.

8 Q. In how many of your interactions with  
9 cigar consumers in 2019 did these consumers ask  
10 about General Cigar's COHIBA cigars?

11 A. Again, I don't recall the specifics.

12 Q. In how many of your interactions with  
13 cigar consumers in 2020 did these cigar consumers  
14 ask about General Cigar's COHIBA cigar?

15 A. I think, again, I -- I recall discussions  
16 about COHIBA, but I don't recall the specifics of  
17 how many and what those questions were.

18 Q. In your interactions with cigar consumers  
19 in 2015, did the consumer ever raise the issue of  
20 the Cuban COHIBA cigar?

21 A. No.

22 Q. In your interactions with cigar consumers  
23 in 2016 to '19, did the consumer ever raise the  
24 issue of the Cuban COHIBA cigar?

25 A. No.

1 Q. In your interactions with cigar consumers  
2 in 2020, did the consumer ever raise the issue of  
3 the Cuban COHIBA cigar?

4 A. No.

5 Q. In your interactions with cigar consumers  
6 in 2015 to '19 in which -- strike that.

7 In your interactions with cigar consumers  
8 in '15 -- 2015 to 2019, did you ever raise the  
9 issue of the Cuban COHIBA cigar?

10 A. No.

11 Q. In your interactions with cigar consumers  
12 in 2020, did you ever raise the issue of the Cuban  
13 COHIBA cigar?

14 A. No.

15 Q. Turn to Paragraph 33, please, of your  
16 declaration. Let me know when you're there.

17 A. I'm at 33.

18 Q. You provided certain suggested retail  
19 price ranges for General Cigar's COHIBA cigars in  
20 Paragraph 33; is that correct?

21 A. Correct.

22 Q. And these price ranges do not include  
23 price ranges for General Cigar's small COHIBA  
24 cigars; is that correct?

25 A. They do include COHIBA, the small cigars.

1 Q. And that would be for a tin of ten  
2 miniature COHIBA cigars; is that correct?

3 A. Yes.

4 Q. The price ranges you provide in Paragraph  
5 33 of your declaration are for 2020; is that  
6 correct?

7 A. Yes.

8 Q. And is it correct that the COHIBA Red Dot  
9 cigar has been sold in prior years?

10 A. Yes.

11 Q. And has the suggested retail price range  
12 for the COHIBA Red Dot cigar changed over the  
13 years?

14 A. Yes.

15 Q. And has the price range gone up?

16 A. Yes.

17 Q. And has -- is it true that the COHIBA  
18 black cigar was sold in prior years?

19 A. Yes.

20 Q. And has the suggested retail price range  
21 for the COHIBA black cigar changed over the years?

22 A. Yes.

23 Q. Is it correct that the price range for  
24 the COHIBA black cigar has gone up?

25 A. Yes.

1 Q. Is it correct that the COHIBA Nicaragua  
2 cigar has been sold in prior years?

3 A. Yes.

4 Q. Has the suggested retail price range for  
5 the COHIBA Nicaragua cigar gone up over the years?

6 A. Yes.

7 Q. Is it correct that the COHIBA Macassar  
8 cigar has been sold in prior years?

9 A. Yes.

10 Q. And is it correct that the projected  
11 retail price range for the COHIBA Macassar cigar  
12 has gone up over those years?

13 A. Yes.

14 Q. And is it true that the COHIBA Blue cigar  
15 has been sold in prior years?

16 A. Yes.

17 Q. And has the suggested retail price range  
18 for the COHIBA Blue cigar gone up over those years?

19 A. Yes.

20 Q. Can you turn to Paragraph 41 and 42 of  
21 your declaration, please. Let me know when you're  
22 there.

23 A. Okay. I'm at 41.

24 Q. Paragraphs 41 and 42 of your declaration,  
25 you mention a Cuban Rounds cigar; is that correct?

1 A. Yes.

2 Q. Are you aware that the U.S. Patent and  
3 Trademark Office has refused registration of the  
4 trademark Cuban Rounds for cigars because it is  
5 geographically deceptive and primarily  
6 geographically deceptively misdescriptive?

7 A. I'm not aware of that.

8 Q. Are you aware that Cubatabaco and  
9 Habanos, S.A., filed a notice of opposition  
10 opposing Kretek International's registration of the  
11 mark Cuban Rounds for cigar accessories, and that  
12 that proceeding is ongoing?

13 A. I'm not aware of that.

14 Q. Previously you stated -- strike that.  
15 Previously here today you stated that  
16 your testimony in Paragraph 24 is based on your  
17 review of General Cigar's profit and loss  
18 statements; is that correct?

19 A. I'm going to flip back to 24. Yes,  
20 that's correct.

21 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19 Q. And what is your annual salary?

20 MR. DEUTSCH: Objection. What's the  
21 relevance?

22 MR. FRANK: Bias.

23 MR. DEUTSCH: Well, we disagree with  
24 that. I can't stop the witness from  
25 answering, but this is -- without waiving the



1 right to designate other matters as highly  
2 confidential, this is one that is.

3 The witness can answer.

4 THE WITNESS: It's approximately  
5 145,000.

6 BY MR. FRANK:

7 Q. Are you an at-will employee?

8 A. I'm not -- I'm not familiar with that  
9 term.

10 Q. Do you have a contract for your  
11 employment?

12 A. No.

13 Q. Have you given notice to General Cigar  
14 that you're leaving General Cigar?

15 A. No.

16 Q. Have you been told that you'll be moved  
17 to a different position in General Cigar?

18 A. No.

19 MR. FRANK: Okay. Off the record.

20 (Recess taken at 3:11 p.m., proceedings  
21 resumed at 3:30 p.m.)

22 MR. FRANK: Back on the record.

23 BY MR. FRANK:

24 Q. Mr. Abbot, do you know for the cigar  
25 consumers with whom you interacted in 2015, do you

1 know for how long any of those cigar smokers had  
2 been smoking cigars?

3 A. I don't recall the specifics of how long  
4 they had been smoking.

5 Q. For the cigar consumers with whom you  
6 interacted in between 2016 and 2019, do you recall  
7 for how long any of those cigar smokers had been  
8 smoking cigars?

9 A. I mean, it was a mixed bag. Based on my  
10 recollection, and I don't have specifics, but my  
11 recollection is, is talking with those consumers,  
12 there was a wide variety of, you know, a few years  
13 to many years.

14 Q. Do you know how many cigar consumers with  
15 whom you interacted in 2016 only had a few years of  
16 smoking experience with cigars?

17 A. I don't recall the specifics.

18 Q. Do you recall how many of the cigar  
19 consumers with whom you interacted in 2017 only had  
20 a few years of cigar smoking experience?

21 A. I don't recall that.

22 Q. Do you recall how many cigar consumers  
23 you interacted with in 2018 only had a few years of  
24 smoking experience with cigars?

25 A. I don't recall that.

1 Q. Do you recall how many -- strike that.

2 Do you know for how -- strike that again.

3 Do you know how many cigar consumers with  
4 whom you interacted in 2014 through 2015 only had a  
5 few years of smoking experience with cigars?

6 A. I don't recall the exact number.

7 Q. Do you recall how many cigar consumers  
8 with whom you interacted in 2019 only had a few  
9 years of cigar smoking experience?

10 A. I don't recall talking with anyone -- I  
11 don't -- well, I don't recall talking with anybody  
12 who didn't have -- that had only a few years of  
13 experience.

14 Q. Do you recall how many cigar consumers  
15 with whom you interacted in 2020 only had a few  
16 years of cigar smoking experience?

17 A. I'd say there was no consumers that I  
18 talked to in 2020 that had only a few years.

19 Q. For the cigar consumers with whom you  
20 interacted in 2014, do you recall how many were  
21 women?

22 A. No.

23 Q. For the cigar consumers with whom you  
24 interacted in 2015, do you recall how many were  
25 women?

1           A.    I don't recall the specific percentage  
2 of -- I'm sorry, the specific number of women that  
3 I talked to in 2015 that were cigar smokers.

4           Q.    For the cigar consumers with whom you  
5 interacted in between 2016 and 2020, do you recall  
6 how many were women for each year?

7           A.    Not the specific number, no.

8           Q.    For the cigar consumers with whom you  
9 interacted in 2014, do you recall -- strike that.

10                   For the cigar consumers with whom you  
11 interacted in 2014, do you know how many were  
12 between the ages of 18 and 25?

13           A.    I don't recall that.

14           Q.    For the cigar consumers with whom you  
15 interacted in between 2015 and 2019, do you recall  
16 how many were between the ages of 18 and 25 for  
17 each year?

18           A.    I don't recall that.

19           Q.    For the cigar consumers with whom you  
20 interacted in 2020, do you recall how many --  
21 strike that.

22                   For the cigar consumers with whom you  
23 interacted in 2020, do you know how many were  
24 between the ages of 18 and 25?

25           A.    There were no consumers that I talked to

1 that were between the ages of 18 and 25.

2 Q. For the cigar consumers with whom you  
3 interacted in 2014, do you recall how many were  
4 within the age ranges of 25 to 35?

5 A. I don't.

6 Q. For the cigar consumers with whom you  
7 interacted in between 2015 and 2020, do you recall  
8 how many were between the age ranges of 26 and 35  
9 for each year?

10 A. I don't recall that.

11 Q. For the cigar consumers with whom you  
12 interacted in between 2014 and 2020, do you recall  
13 how many were between the -- strike that.

14 For the cigar consumers with whom you  
15 interacted between 2014 and 2020, do you know how  
16 many were between the age ranges of 36 and 45 for  
17 each year?

18 A. I do not know that. I don't recall that  
19 information.

20 Q. For the cigar consumers with whom you  
21 interacted between 2014 and 2020, do you know how  
22 many were between the age ranges of 46 and 55 for  
23 each year?

24 A. I don't recall that specific information.

25 Q. This is my final question. For the cigar

1 consumers with whom you interacted between 2014 and  
2 2020, do you know how many were between the age  
3 ranges -- strike that.

4 For the cigar consumers with whom you  
5 interacted between 2014 and 2020, do you know how  
6 many were over 55 years old in each year?

7 A. I don't recall that specific information.

8 MR. FRANK: Okay. Mr. Deutsch, I think  
9 I'm completed here.

10 MR. DEUTSCH: Okay. I have one question  
11 for you, Mr. Frank, before we begin, and that  
12 is to understand a representation in a series  
13 of questions that you asked of Mr. Abbot, and  
14 that is in particular with regard to Cuban  
15 rounds.

16 I understood you to say, and I may have  
17 misunderstood, and if so, that will obviate a  
18 lot of questioning, that registration had  
19 been refused to Cuban Rounds on the basis of  
20 geographical misdescription.

21 I have gone onto the USPTO website while  
22 we speak to take a look at the opposition,  
23 which I understand that Habanos Corporation,  
24 Habanos, S.A., and Empresa Cubana del Tabaco  
25 filed to the opposition -- to the

1 registration of Cuban Rounds, there are  
2 actually two serial numbers here,  
3 opposition -- let me go back here. The  
4 opposition number being 91237938. And I have  
5 looked at TTABVUE. The latest entries in  
6 this do not reflect that any decision has  
7 been reached by the TTAB as to registration  
8 or refusal to register of the Cuban Rounds  
9 applied for trademark, and I had understood  
10 you to say differently.

11 So before I inquire of the witness,  
12 would you be so kind enough as to explain to  
13 me what representation Cubatabaco is making  
14 with respect to the Trademark Office's  
15 treatment of Cuban Rounds?

16 MR. FRANK: I'm looking up your TTABVUE  
17 number.

18 MR. DEUTSCH: I'm sorry, could you say  
19 that again? I'm looking for -- looking at  
20 the opposition numbered 91237938, and I am  
21 looking at the calendar for that. I gather  
22 there are two oppositions preceding in tandem  
23 there. And the latest TTABVUE entry number I  
24 see is 32, which is a plaintiff's change of  
25 correspondence address, immediately below

1 that are trial dates which stretch into 2022,  
2 I believe. So --

3 MR. FRANK: Correct. The proceeding  
4 is -- the opposition proceeding is for  
5 registration of Cuban Rounds for cigar  
6 accessories.

7 MR. DEUTSCH: I see. Okay.

8 MR. FRANK: There is a refusal for the  
9 registration for cigars. I believe I made  
10 that distinction on the record previously.

11 MR. DEUTSCH: Well, the clarification is  
12 all that I needed.

13 MR. FRANK: Yes, sir.

14 MR. DEUTSCH: Okay. I only have a few  
15 questions for the witness, Mr. Abbot.

16 - - -

17 E X A M I N A T I O N

18 BY MR. DEUTSCH:

19 Q. You were asked certain questions by  
20 Mr. Frank with regard to small cigars that are sold  
21 under the COHIBA brand. Do you remember the  
22 questions and the testimony you gave, Mr. Abbot?

23 A. Yes.

24 Q. Are COHIBA small cigars or Pequeños  
25 cigars sold individually, to the best of your



1 knowledge? That is to say, by single cigars?

2 A. No.

3 Q. In what form are they sold?

4 MR. FRANK: Objection.

5 THE WITNESS: COHIBA Pequeños are sold  
6 in tins of six cigars. And COHIBA  
7 miniatures, or minis, are sold in tins of  
8 ten cigars.

9 BY MR. DEUTSCH:

10 Q. And if you will take a look at Paragraph  
11 18 of your declaration, there is a statement that  
12 the -- towards the end of the paragraph, price  
13 range for the small cigars are \$19.00 to \$23.00 --  
14 I'm sorry, \$19.99 to \$23.99 per tin.

15 Do you see that?

16 A. Yes.

17 Q. To your knowledge, is that an accurate  
18 statement of the price range per tin for these  
19 small cigars today?

20 A. Yes.

21 Q. So is it the case that if a consumer  
22 wishes to buy small cigars at a tobacconist, at a  
23 store that primarily sells tobacco at retail, they  
24 would not be able to go into that store and say,  
25 give me one of these small or one of these Pequeños

1 cigars, they would have to buy a tin?

2 MR. FRANK: Objection.

3 BY MR. DEUTSCH:

4 Q. Is that correct?

5 A. That is correct.

6 Q. And they would, therefore, have to lay  
7 out what the merchant asked for, but for which the  
8 suggested retail price is \$19.99 to \$23.99; is that  
9 correct?

10 MR. FRANK: Objection.

11 BY MR. DEUTSCH:

12 Q. You can answer.

13 A. That is correct.

14 Q. Okay. You were asked about price changes  
15 beyond the suggested retail prices that are  
16 reflected in Paragraph 33 of your declaration. Do  
17 you recall that testimony and the answers that you  
18 gave?

19 A. Yes.

20 Q. And you testified, I believe, over a  
21 number of questions that there have been price  
22 increases since 2014, so that at an earlier date  
23 the suggested retail prices of these cigars were  
24 less than what's now shown in Paragraph 33; is that  
25 correct?

1 MR. FRANK: Objection.

2 BY MR. DEUTSCH:

3 Q. You can answer.

4 A. Correct.

5 Q. Did the competitors of General Cigar also  
6 raise the prices of their premium cigars in  
7 approximately the same measure over the same period  
8 of time?

9 MR. FRANK: Objection.

10 BY MR. DEUTSCH:

11 Q. You can answer.

12 A. Yes.

13 Q. To your knowledge, has the increase in  
14 price of cigars outstripped the increase in prices  
15 of other consumer goods over that period of time?

16 MR. FRANK: Objection.

17 BY MR. DEUTSCH:

18 Q. You can answer.

19 A. Yes.

20 Q. And what's the answer?

21 A. The answer is, is that they have  
22 outpaced -- cigar price increases have outpaced the  
23 overall consumer -- the price of -- the rate of  
24 inflation.

25 Q. So would it be accurate to say that today

1 a premium cigar is more expensive relative to a  
2 general basket of goods than it would have been in  
3 2014?

4 MR. FRANK: Objection.

5 THE WITNESS: That's a correct  
6 statement.

7 BY MR. DEUTSCH:

8 Q. Okay. Mr. Frank asked you questions  
9 about proceedings at the United States Patent and  
10 Trademark Office with regard to a cigar called  
11 Cuban Rounds. And I'll address your attention to  
12 Paragraph 41 of your declaration.

13 Do you know if the United States Patent  
14 and Trademark Office has the power to forbid the  
15 sale of goods in the United States?

16 MR. FRANK: Objection.

17 THE WITNESS: I don't know that  
18 information.

19 BY MR. DEUTSCH:

20 Q. Okay. In Paragraph 41, you attach an  
21 Annex U, and I don't have the ability to put that  
22 up on the screen, so I'll ask you to please take a  
23 look at the paper copy of Annex U.

24 A. I have the copy in front of me.

25 MR. FRANK: Yeah, give me a second too.

1 MR. DEUTSCH: Sure. Tell me when you're  
2 ready.

3 MR. FRANK: Okay. I'm ready.

4 BY MR. DEUTSCH:

5 Q. And in Paragraph 41 you describe this as  
6 being taken from the online catalog of Famous  
7 Smoke, a cigar merchant; is that correct?

8 A. Yes.

9 Q. And is Famous Smoke a large cigar  
10 merchant?

11 MR. FRANK: Objection.

12 THE WITNESS: Yes.

13 BY MR. DEUTSCH:

14 Q. Is it one of the largest cigar merchants?

15 MR. FRANK: Objection.

16 THE WITNESS: It's one of the --

17 BY MR. DEUTSCH:

18 Q. You can answer.

19 A. It's one of the top three retailers --  
20 online retailers in the country.

21 Q. And is it possible for consumers to order  
22 cigars by going to the famous-smoke.com website and  
23 ordering them and giving their credit card,  
24 et cetera?

25 MR. FRANK: Objection.

1 THE WITNESS: Yes.

2 BY MR. DEUTSCH:

3 Q. Now, the date on the printouts that are  
4 in Annex U are September 21, 2020, correct? Is  
5 that correct?

6 A. Yes, that's correct.

7 Q. And does that indicate that as of  
8 September 21, 2020, a consumer could go to a major  
9 internet cigar retailer and purchase the Cuban  
10 Rounds cigar with the band appearance that is shown  
11 on the first graphic page of Annex U?

12 MR. FRANK: Objection.

13 THE WITNESS: That's correct.

14 BY MR. DEUTSCH:

15 Q. Do you know of any court order that has  
16 forbidden the sale of Cuban Rounds as it appears in  
17 this exhibit since September 21, 2020?

18 A. I'm not aware of any court order.

19 MR. DEUTSCH: Okay. I have no further  
20 questions of the witness.

21 MR. FRANK: Okay. I think we're done.  
22 Are you waiving signature?

23 MR. DEUTSCH: No.

24 MR. FRANK: Okay. I didn't think so.  
25 Okay. So thank you, Mr. Abbot. We can go

1 off the record, I think, now. Is that right,  
2 Mr. Deutsch?

3 MR. DEUTSCH: Yes, we can go off the  
4 record.

5 (Deposition concluded at 3:49 p.m.)

6 (Signature rights reserved.)  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHANGES REQUESTED TO THE DEPOSITION OF:

STEVEN ABBOT

TAKEN: December 16, 2020

PAGE/LINE:

DESCRIPTION

Corrections made on transcript pages (p.5)

DATE:

2/2/2021

SIGNATURE:

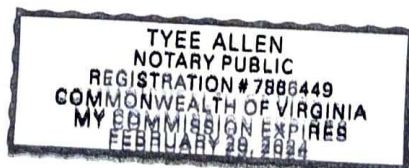
[Signature]

NOTARY PUBLIC:

[Signature]

MY COMMISSION EXPIRES:

02-29-2024



REPORTED BY: Kimberly L. Ribaric, RPR, CCR



COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

I, Kimberly L. Ribaric, Registered Professional Reporter, Certified Court Reporter and Electronic Notary Public in and for the Commonwealth of Virginia at Large, and whose commission expires August 31, 2024, do certify that the aforementioned appeared audio-visually before me, was sworn by me, was thereupon examined by counsel, that review was requested; and that the foregoing is a true, correct, and full transcript of the testimony adduced.

I further certify that I am neither related to nor associated with any counsel or party to this proceeding, nor otherwise interested in the event thereof.

Given under my hand and notarial seal at Fluvanna County, Virginia, this 4th day of January 2021.

*Kimberly L. Ribaric*

Kimberly L. Ribaric, RPR, CCR

Electronic Notary Public Registration No. 348266

My commission expires: 8/31/2024

Commonwealth of Virginia at Large

	58:8,10, 18 60:3	\$20.00 49:4	15 46:8,11 48:16 104:3 116:8	1962 85:19 86:8,18
<b>Exhibits</b>				
6182468 Ste ven. Emory Abbot .EXHIBIT1 4:4 10:18,22	6182468 Ste ven. Emory Abbot .EXHIBIT7 4:16 61:9,13, 18 63:2	\$23.00 129:13 \$23.99 72:9 129:14 130:8 \$4.00 46:13,20 48:18 49:1,15	16 5:1 49:17 106:6 17 34:4 62:16 107:9	1978 82:18 1987 82:18,23 1990 76:19 77:17
6182468 Ste ven. Emory Abbot .EXHIBIT2 4:6 12:14,18 13:19	6182468 Ste ven. Emory Abbot .EXHIBIT8 4:18 63:16,19 64:2	<hr/> 0 <hr/>	17(b) 50:4,9 52:24	1992 82:23 83:2 1993 77:17
6182468 Ste ven. Emory Abbot .EXHIBIT3 4:8 50:15,17 51:11,16 52:22 53:5	6182468 Ste ven. Emory Abbot .EXHIBIT9 4:20 68:3,5,13	04 19:20 <hr/> 1 <hr/>	17(c) 53:15 17(d) 55:24 57:2	1995 76:25 79:23 1997 83:2,6 85:3
6182468 Ste ven. Emory Abbot .EXHIBIT4 4:10 53:21,23 54:12,15 55:14,19	6182468 Ste ven. Emory Abbot .EXHIBIT10 4:22 69:18,20 70:4 <hr/> \$ <hr/>	1 10:18,22 44:12 45:9 10 45:19,22 57:23 66:18 67:2 69:18,20 70:4 72:17	17(e) 58:2 17(g) 60:21 61:3 17(h) 63:9 17(i) 67:9,22	1:13 72:3 1:55 72:4 <hr/> 2 <hr/>
6182468 Ste ven. Emory Abbot .EXHIBIT5 4:12 56:5,8,17	\$1.00 46:23 \$10 35:4 \$19.00 129:13	10's 66:17 10s 57:23 11:17 5:1	18 69:8 72:7,18 73:1,2 107:9 124:12, 16,24 125:1 129:11	2 12:14,18 13:19 14:18 20 34:17 72:17 2000 19:19 83:6
6182468 Ste ven. Emory Abbot .EXHIBIT6 4:14	\$19.99 72:9 129:14 130:8	145,000 121:5	19 34:15 115:23 116:6	2004 19:21

41:14,24	107:1	109:1,13	76:8	17
42:3,8,14	111:7	110:24	90:17,20	<b>2022</b>
<b>2005</b>	123:4,20	112:5,8	97:25	128:1
36:6	124:9,11	113:7	98:25	
<b>2006</b>	125:3,12,	114:19	101:20	<b>21</b>
45:20	15,21	115:23	102:4,6,	134:4,8,
46:3,5	126:1,5	122:6,15	11,15	17
80:6,8	130:22	124:5	103:19,	<b>22</b>
	132:3	<b>2017</b>	22,25	80:15,22
<b>2007</b>	<b>2015</b>	74:4 90:7	104:5,9	81:2,10,
34:24	89:18	97:16	105:24	14 83:11,
36:6	97:6	98:19	107:12	14
<b>2008</b>	98:8,11	100:22	108:6	
35:3	99:4,11,	105:11,12	109:1	<b>23</b>
<b>2009</b>	15,19	106:2	110:12	83:8,19,
36:6	100:5,9	110:3,20	111:15	20 84:2,
<b>2011</b>	104:12,	112:12	112:20	6,9 85:11
36:6	20,24	113:11	114:5	<b>24</b>
<b>2012</b>	107:5,17,	114:23	115:9	34:23
81:6,15	23 108:2,	122:19	116:8	75:2,5,18
<b>2013</b>	22 109:8,	<b>2018</b>	122:6	119:16,19
45:20	24 111:3	23:17	123:8	<b>25</b>
80:9	112:1	52:23	124:15	89:15,22
<b>2014</b>	113:3	74:2	<b>2020</b>	90:4,9,
24:15	114:14	76:2,4,	5:1 14:12	14,19
27:2,9	115:19	10,12	35:24	91:2,3
33:17	116:6,8	90:12	39:5	124:12,
45:10	121:25	97:20	90:22,23	16,24
80:19	123:4,24	98:22	98:25	125:1,4
89:8	124:3,15	101:9,14,	99:7,11,	<b>26</b>
91:6,10,	125:7	18 105:16	15	125:8
14,18	<b>2016</b>	110:8	107:14,17	<b>27</b>
92:1,21,	24:15	111:11	109:5,24	35:9,21
25 93:10,	26:5	112:16	110:16	37:3,15,
16,20,24	45:10,17	113:17,19	111:22	17 38:7
94:4,8,	74:6,8	114:1	112:24	
12,16,20,	89:25	115:5	114:9	<b>29th</b>
24 95:3,	97:9,12	122:23	115:13	14:12
7,12,16,	98:16	<b>2019</b>	116:2,12	
21,25	99:7	29:24	117:5	
96:5,9,	100:11,	30:20,23	123:15,18	<b>3</b>
13,17,21,	16,20	31:2,6,9	124:5,20,	
25 97:3	105:7	34:24	23 125:7,	<b>3</b>
106:6,15	106:16	35:3 36:6	12,15,21	22:23
	107:8	75:23	126:2,5	50:15,17
	108:6		134:4,8,	51:11,16

52:22	132:12, 20		68:8	91:4
53:5	133:5	8	69:24	127:25
30	42		72:8	132:11
35:12, 17,	118:20, 24	8	121:24	advertising
21 37:3,	43	63:16, 19	126:13	35:2, 4
15, 17	36:2	64:2	128:15, 22	affect
31	45	8 (d)	134:25	10:11, 15
88:15, 17,	125:16	85:15, 17	Abbot's	Aficianado
21	46	86:2, 4, 6,	17:17	81:7, 16
32	125:22	16, 25	ability	age
127:24		8 (g)	10:11, 15	125:4, 8,
33	5	87:14, 22	132:21	16, 22
35:25		88:8	above-	126:2
39:6	5		mentioned	ages
116:15,	56:5, 8, 17	9	22:14	124:12,
17, 20	65:10	9	access	16, 24
117:5	50	68:3, 5, 13	10:25	125:1
130:16, 24	89:12, 13	91237938	11:19	agreed
34	55	127:4, 20	12:5	9:9
14:4, 6, 7,	125:22		50:23	agreement
9	126:6	A	54:7	71:25
35			accessories	agrees
125:4, 8	6	a.m.	119:11	13:4
36		5:1	128:6	Alan
125:16	6	Abbot	account	23:5
3:11	58:8, 10,	5:2, 7, 9,	93:3	allowed
121:20	18 60:3	10 6:6	accounts	65:11
3:30	6X60	7:17 9:18	75:8, 23	American
121:21	57:22	11:1, 13	76:2	65:10, 18
3:49		12:9, 15,	accurate	67:2
135:5	7	22 13:4,	15:18	amount
4		22 15:20	109:21	18:4, 10
	7	17:16	129:17	103:15
4	22:11, 18,	21:9 25:4	131:25	amounts
53:21, 23	21, 23	39:17	acquired	35:2
54:12, 15	23:2	42:20	26:7	Andersen
55:14, 19	33:20	50:20	actual	77:7, 9,
41	41:2, 3	51:6 54:3	74:23	12, 16, 18
118:20,	61:9, 13,	58:13, 21	additional	Andrew
23, 24	18 63:2	61:12	33:7, 8	5:19
		63:22	address	
		67:20		

<b>Annex</b>	<b>appearing</b>	69:9		65:8
34:16	11:16	132:20	<b>B</b>	66:17
35:22	12:9	<b>attached</b>		<b>based</b>
36:10	<b>appears</b>	8:10	<b>back</b>	22:13
38:19,23	134:16	36:10	11:10	24:7,19
49:18	<b>applied</b>	38:19,23	12:4 34:1	27:5,11,
50:5,10,	127:9	55:14	37:6 41:2	21 29:13
16 51:8,	<b>approximate</b>	59:20	48:15	31:12
11 53:16,	<b>ly</b>	62:19	65:3	33:14,24
22 54:12	19:8	67:23	67:17,20	34:9
55:24	104:3,6	<b>attended</b>	70:9,10,	35:18
56:6,10,	121:4	35:8	13 72:5,	38:8 39:7
17 58:3,	131:7	<b>attention</b>	22 73:1	80:24
9,19	<b>April</b>	132:11	83:11	81:2,10,
59:20	24:15	<b>attorney</b>	119:19	14,18
60:17,22	27:2,9	7:5	121:22	83:14,23
61:4,10,	33:17	<b>attorneys'</b>	127:3	84:2,6,9,
19 62:19	45:9	7:7	<b>background</b>	11 85:11
63:10,17	<b>arrangement</b>	<b>attributabl</b>	52:18	86:10,13,
64:3	65:18	<b>e</b>	53:13	20,22
66:11	71:3,9,	31:15	55:11	87:6,8,11
67:10,23	14,20	<b>attributed</b>	59:25	88:2,4,9,
68:4,14	<b>Arthur</b>	27:24	62:24	12,24
69:9,19	77:7,9,	29:16	<b>bag</b>	119:16
70:5	12,15,18	31:15	122:9	122:9
132:21,23	<b>article</b>	<b>auditor</b>	<b>Baldwin</b>	<b>basis</b>
134:4,11	81:7,16	77:8	22:6	74:15
<b>annual</b>	<b>assistance</b>	<b>Augustin</b>		126:19
75:6	83:22	23:4	<b>band</b>	<b>basket</b>
120:17,19	<b>assume</b>	<b>aware</b>	36:3	132:2
<b>answering</b>	71:16	46:24	52:18,21	<b>began</b>
120:25	<b>at-will</b>	74:22	53:1,6	25:19
<b>answers</b>	121:7	85:19,22	55:7,15,	<b>begin</b>
10:1	<b>attach</b>	86:7,17	17 57:7	9:24
104:18	50:5,10	87:1,15,	59:16,21	77:19
105:23	53:16	23 108:16	62:13,20	91:19
106:1	55:24	119:2,7,	64:14,16,	126:11
130:17	58:3	8,13	19,22	<b>beginning</b>
<b>Appeal</b>	60:22	134:18	134:10	30:19
6:11,21	61:4		<b>bands</b>	<b>behaviors</b>
7:19	63:10		53:8	105:4
14:15	67:10		59:23	106:22,
<b>appearance</b>			62:22	23,24
134:10			<b>barcode</b>	107:3,7,
			57:23	

10	8,17	39:9	6:12	33:1,5
<b>Bias</b>	104:13,24	44:19,24	77:25	127:24
120:22	105:8,13,	47:3	132:10	<b>changed</b>
<b>black</b>	17 112:1,	106:21	<b>camera</b>	25:19
47:1	6,8,12,	<b>break</b>	9:16	28:19
53:17	16,20,24	8:18,19	<b>cancellatio</b>	30:11,14,
54:16,20,	113:3,8,	26:5	<b>n</b>	15 31:4,
24 55:3,	11,20	<b>breaks</b>	6:21	5,9 32:7,
19,22	114:2,6,	8:20,25	<b>candy</b>	12,14,16,
69:13	10	<b>briefly</b>	48:12	24 33:3
117:18,	<b>box</b>	51:14	<b>Captain</b>	45:1,3
21,24	36:3	<b>briefs</b>	47:1	98:10
<b>blue</b>	55:19,21	44:2	<b>card</b>	117:12,21
60:23	57:4,10,	<b>business</b>	133:23	<b>charged</b>
61:5,22	14 60:3,	22:17	<b>carefully</b>	88:19,22
62:2,6,9	7,11	24:13	89:3	<b>chat</b>
63:3,6	63:2,6	26:7	<b>carton</b>	10:25
69:14	64:5	33:22,25	64:11	11:4,6,13
118:14,18	65:23	35:19	65:4,13	12:21
<b>Board</b>	66:3,5	74:12	69:1	50:15
6:11,21	68:22	<b>buy</b>	<b>case</b>	54:2 56:7
7:19 8:17	69:5	85:24	5:13	<b>check</b>
14:15	<b>boxes</b>	87:3,18	97:23	51:13
<b>body</b>	22	88:1	129:21	72:16
9:14	<b>brand</b>	105:20,21	<b>casually</b>	<b>Chris</b>
<b>books</b>	25:11,16,	106:21	89:3	23:5 28:1
94:16,20	17,22,23	129:22	<b>catalog</b>	<b>Christopher</b>
108:23	27:8	130:1	133:6	22:1
109:2,4	30:2,8,9,	<b>buying</b>	<b>category</b>	<b>cigar</b>
<b>bottom</b>	24 36:5,	95:13	81:21,22	6:13,18
11:3	7,9	106:22	86:23	8:5 12:16
55:21	44:16,22	<b>BX</b>	<b>center</b>	14:14
57:13,14	45:7,11,	57:23	59:22	15:10
60:6 63:5	12,16	<hr/>	<b>cetera</b>	16:17
65:23	72:11	<b>C</b>	133:24	19:2 20:6
66:7,12,	128:21	<hr/>	<b>chain</b>	22:16
22 69:4	<b>brands</b>	<b>calendar</b>	39:16	23:2,8,
<b>Boudin</b>	23:24,25	127:21	<b>change</b>	10,12,14,
5:12	24:17	<b>call</b>	25:24	19,22,24
<b>bought</b>	26:4	6:16,17	26:2	24:4,21,
89:4	28:15,17,	<b>called</b>		24 25:5,
93:11,17,	18 31:1			7,10,13,
21 95:4,	34:18			18,19,25
				26:6,11,

16,20,24	20,23	94:4,7,8,	13,15,17,	33:22,25
27:8,15,	61:5,21,	12,13,15,	19,21,23,	35:19,23
18 28:3,	22,24	19,24	25 113:2,	41:4
6,11,17,	62:1,5,6,	95:2,4,6,	6,10,16,	44:18,23
20 29:9,	8,13,20	8,11,13,	18,25	45:7,16
20,23	63:3,6,12	15,21,22,	114:4,8,	48:20
30:1,4,	64:6,14,	25 96:2,	14,19,20,	49:9,23,
12,19	19,22,23	4,6,8,10,	23 115:5,	24 52:10,
31:1,5,9,	65:1,4,	14,20,23	9,13,14,	13 54:19
21,24	13,15,17,	97:5,6,	18,20,22,	55:2,22
32:2,12,	20,21,24	11,12,16,	24 116:1,	56:23
13,17,21	66:3,8,	19,20,24,	3,5,7,9,	57:6,11,
34:5,11,	13,22	25 98:7,	11,13	14 59:11
15 35:3	67:5,12,	15,18,21,	117:9,12,	64:12
36:3,7,9	25 68:18,	24 99:3,	18,21,24	69:1,5
37:25	22 70:25	6,10,14,	118:2,5,	72:19
38:5 39:8	71:2,5,7,	19 100:4,	8,11,14,	73:3,6,22
41:8,12	9,22	8,12,16,	18,25	74:1,24
42:23	73:10,13,	19,23	119:11	75:7,8,
43:4,10,	15,17,19	101:2,5,	120:15	12,15,19,
16,23	74:20	10,14,17,	121:13,	22 76:1,7
44:3,8,	76:8	21,25	14,17,24	95:17,22
17,22	80:19	102:5,7,	122:1,5,	96:2
45:12,16,	81:6,8,	11,14,18,	7,14,18,	113:4,8,
24 46:13,	16,17,21,	22 103:1,	20,22	12,20
20,23	22 82:3,	2,3,7,10,	123:3,7,	114:2,6,
47:9,10,	17,22	16,17,18,	9,14,16,	10,15,20,
11,14,16,	83:1,5	22,24,25	19,23	24 115:6,
20,22	84:25	104:7,8,	124:3,4,	10,14
48:18,25	85:3,6,	11,13,20,	8,10,14,	116:19,23
49:1,10,	23,24,25	23 105:3,	19,22	119:17
14,15	86:1,5,21	7,8,12,	125:2,6,	<b>cigars</b>
50:7,11	87:2,3,4,	13,15,17,	11,14,20,	28:15
51:17,20,	5,12,15,	22 106:2,	25 126:4	36:9
24,25	17,18,23,	5,25	128:5	46:12,16,
52:5,6,	24,25	107:3,4,	131:5,22	19,22,25
14,17,18	88:13,19,	7,16,22,	132:1,10	47:5,8,
53:1,6,17	23,25	24 108:1,	133:7,9,	11,15,19,
54:16,21,	89:7,17,	3,5,7,21,	14 134:9,	21,23
23,24	24 90:6,	25 109:7,	10	48:1,4,
55:3,7,15	11,16,23	13 110:2,	<b>Cigar's</b>	17,20,21
56:1,21	91:5,10,	8,12,16,	22:16	49:6,7,
57:7	14,18,19,	20,24	24:3	23,24
58:5,25	20,22,24	111:3,7,	26:10,16,	51:21
59:1,3,7,	92:1,21,	11,15,22,	19,24	52:1,11
8,16,21	24 93:9,	25 112:2,	28:15,17	54:20
60:4,7,	16,19,23	4,7,9,11,		

55:19,22	17,20,21	<b>click</b>	64:6,12,	18
56:24	106:10,	11:3	15,19,22	128:21,24
57:11,15,	19,20	<b>close</b>	65:1,4,	129:5,6
23 59:4,	107:18	49:4	13,20,24	<b>College</b>
12 60:4,7	108:23	<b>COH</b>	66:4,5,8,	76:15
62:2,9	109:2,4	57:22	13,17,18,	77:2
63:3,6	112:2,9,	<b>COHIBA</b>	23 67:5,	<b>comfortable</b>
64:6,12,	13,17,21,	20:6	12,24	15:17
15 65:4,	25 113:4,	24:4,14,	68:18,22	<b>comment</b>
10,14,24	8,12,20	16 26:10,	69:1,5,	22:8
66:4,6,8,	114:2,6,	16,19,24	10,12,13,	<b>commercial</b>
13,18,23	10,15,24	27:8	14 70:11,	85:21
67:2,6	115:6,10	30:8,25	13,15,23	86:9,19
68:22	116:19,	34:6,23	71:4,11,	<b>commerciall</b>
69:2,5,	24,25	35:8	22 72:11,	<b>y</b>
11,15	117:2	36:3,7,9	14,20	85:23
70:11,14,	119:4	41:5	73:4,10,	87:2
15,24	122:2,8,	42:1,24	13,18,22	<b>communicate</b>
71:11,23	16,24	43:5,11,	74:1,18,	16:21,24
72:9,14,	123:5	17,24	20,24	17:2,9,23
15,20,24	128:9,20,	44:4,9	75:7,12,	19:11
73:4,11,	24,25	45:7,12,	15,19,22	20:11,22
14,18,22	129:1,6,	16 48:21,	76:1,7	21:12
74:1,20,	8,13,19,	23 49:1,	81:21	<b>communicati</b>
24 75:7,	22 130:1,	9,15,23,	87:16,17,	<b>ons</b>
12,15,19,	23 131:6,	24 50:6,	19,24	21:2,4,6
22 76:1,7	14 133:22	11 51:17,	88:1,19,	<b>companies</b>
77:10	<b>cities</b>	20,25	22 89:2	49:22
78:2,14,	92:11,17	52:6,11,	95:4,9,	<b>company</b>
23 79:6,	100:3,15	13,17,19	13,17,22	6:13,18
14,25	101:1,13,	53:9,17	96:2,6,10	24:10
80:12	24 102:10	54:16,19,	112:2,9,	26:4,17,
85:18	<b>clarificati</b>	24 55:2,	13,17,21,	18 33:17
86:7,17	<b>on</b>	17,19,22	25 113:4,	41:6
87:1	72:25	56:1,21,	8,12,20	60:20
88:24	128:11	23 57:6,	114:2,6,	71:15
89:2	<b>clarify</b>	11,15	10,15,20,	77:24
91:22	26:12	58:4,25	24 115:1,	81:19
93:11,15,	34:8	59:3,8,	6,10,14,	103:7
17,21,25	<b>clarity</b>	11,23	16,20,24	<b>compare</b>
94:5,17,	20:17	60:4,23	116:3,9,	13:2
21 95:4,	<b>clear</b>	61:5,22	13,19,23,	58:20
9,13,17	7:18,24	62:1,6,8,	25 117:2,	
103:4,6,	8:17	22 63:3,	8,12,17,	
10 104:9,		6,12	21,24	
13,24			118:1,5,	
105:8,13,			7,11,14,	



<b>competitors</b>	63:11	17,24	24 111:3,	99:12
131:5	67:11,24	90:6,11,	7,11,15,	<b>conversatio</b>
<b>completed</b>	<b>configurati</b>	16,23	22,25	<b>n</b>
126:9	<b>ons</b>	91:5,10,	112:4,7,	82:8
<b>computer</b>	69:10	14,18,24	11,15,19,	<b>conversatio</b>
11:24	<b>confirm</b>	92:1,21,	23 113:2,	<b>ns</b>
19:23	16:24	24 93:9,	6,10,16,	24:7,20
<b>concern</b>	<b>conjunction</b>	16,20,23	18,21,25	27:5,11,
77:10,12	42:7	94:4,7,	114:4,8,	21 29:13
78:2,5,	<b>Connecticut</b>	12,15,20,	14,19,23	31:12,16
14,16,23	67:12,24	24 95:3,	115:5,9,	33:14,18
79:1,6,8,	68:18,22	7,11,15,	13,18,22	38:8
14,16,24	69:1,5	21,25	116:1,5,	82:11,13,
80:3	<b>Connections</b>	96:4,8,	7,11	20 83:13
<b>concerned</b>	93:1,4	13,17,18,	121:25	84:6,9,11
41:25	102:18,21	21,24	122:5,11,	85:8,9
80:9	103:17	97:3,6,	14,19,22	91:10,25
<b>concluded</b>	104:5	12,16,20,	123:3,7,	94:24
89:1	<b>consult</b>	25 98:8,	14,17,19,	104:17,20
135:5	8:22	16,19,22,	23 124:4,	105:5,6
<b>conclusions</b>	<b>consulting</b>	25 99:4,	8,10,14,	108:10,18
43:20	9:1	7,11,15,	19,22,25	109:7,9,
<b>condition</b>	<b>consumer</b>	19 100:4,	125:2,6,	13,16
10:15	86:11,12,	8,13,16,	11,14,20	110:2,4,
<b>confer</b>	13,21	20,24	126:1,4	8,12,16,
19:1	87:6,8,11	101:2,6,	133:21	20,24
<b>confident</b>	88:2,9,12	11,14,18,	<b>consumers'</b>	111:3,7,
15:3	89:2	22,25	105:23	11,15,18,
<b>confidentia</b>	95:22	102:6,8,	106:14	20,22
<b>l</b>	96:1,5	11,14	<b>contents</b>	114:17
7:6 12:14	106:10	103:19,	57:20	115:2
13:9,10,	115:19,23	21,24	<b>continues</b>	<b>coordinatio</b>
13,17	116:2	104:4,8,	88:23	<b>n</b>
121:2	129:21	11,13,20,	<b>contract</b>	38:6
<b>configurati</b>	131:15,23	23 105:1,	121:10	<b>copy</b>
<b>on</b>	134:8	7,8,12,	<b>contractual</b>	13:2,3
50:6,11	<b>consumers</b>	13,16,17	65:18	50:16
53:17	85:18	106:2,5,	71:3,8,	51:1,2,13
55:25	86:7,17,	15,25	13,24	53:22
58:4	23 87:1,	107:4,8,	<b>control</b>	54:9 56:6
60:23	15,23	11,16,22	50:1	58:19
61:5	88:5,23,	108:2,3,	<b>convenience</b>	61:10,19
	25 89:7,	5,19,21,	47:23	63:17
		25 109:3,	96:24	64:3
		8,13		68:4,14
		110:3,8,		
		12,16,20,		

69:19	10,19,22,	134:4,5,	<b>cover</b>	10,14,16,
70:5	24 62:6,	6,13	109:23	21,23
132:23,24	14,17,24,	<b>corrected</b>	<b>COVID-19</b>	44:4,8
<b>Corp</b>	25 63:3,	72:21	9:7,8	119:8
6:14	4,7,8,12,	<b>corresponde</b>	<b>coworkers</b>	127:13
<b>Corporation</b>	13,17	<b>nce</b>	21:24	<b>Cubatabaco'</b>
126:23	64:3,6,	127:25	22:2	<b>s</b>
<b>correct</b>	12,13	<b>counsel</b>	<b>created</b>	43:19
13:11,16	65:1,2,5,	5:13,14,	39:3	44:2,6
14:6,21,	6,15,16,	17,24	119:23,25	<b>Culbro</b>
23 15:4,	25 66:1,4	6:25 7:8,	<b>credit</b>	6:14
13,18	67:12,25	22 8:15,	133:23	<b>current</b>
20:2	68:4,14,	23 9:2,8	<b>cross-</b>	25:10,12
22:25	19,23	15:1,9,	<b>examine</b>	26:14
24:1,2	69:2,6,	14,20,22	10:23	28:8
30:20,21	15,18	16:17	<b>Cuban</b>	32:1,4
41:9	70:5,6,	17:4,6,9,	85:22	33:11
44:20	16,21,22,	23 19:1,	86:1	34:11
45:8,13,	25 71:1	10 21:2,	87:2,5,16	50:6,10
14,17,18,	72:10,11,	4,7,16,19	96:6,9	53:16
21,23	15,24	40:5	115:20,24	55:25
48:21,22	73:4,5,8,	42:15	116:3,9,	58:4
49:20,22	9,11	80:23	12 118:25	60:22
50:1,7,	75:9,12,	83:23	119:4,11	61:5
12,13,16	13,15	<b>country</b>	126:14,19	63:11
51:18,19	76:16,22	64:18,22	127:1,8,	67:11,24
52:7,8	79:4,5,	133:20	15 128:5	69:10
53:2,3,	11,20	<b>couple</b>	132:11	120:6
11,18,21	80:6,10,	6:6	134:9,16	<b>custodian</b>
54:17,18,	19,20	<b>court</b>	<b>Cuban-</b>	
25 55:1,	86:3 89:6	6:23 7:20	<b>origin</b>	<b>D</b>
5,8,9	93:7	10:2 20:1	85:21	
56:2,3,5,	98:11,12	24:25	86:10,20	<b>D-O-M-I-N-</b>
21,22	106:12	41:19,22	<b>Cubana</b>	<b>I-C-A-N-A</b>
57:1,11,	116:20,	42:22	6:12,16	53:2
12,15,16,	21,24	43:3,9,	44:19,23	<b>D.C.</b>
18,19	117:2,6,	15,21	126:24	92:18,20
58:5,9,19	8,23	44:3,7	<b>Cubatabaco</b>	<b>d/b/a</b>
59:1,6,9,	118:1,7,	64:9	6:12,17	6:12
10,14,17,	10,25	65:19	20:5	<b>date</b>
18,25	119:18,20	134:15,18	41:8,12	23:11,15
60:1,4,5,	128:3	<b>courts</b>	42:21,23	44:15
8,9,12,	130:4,5,	41:7,11,	43:2,4,8,	
13,24	9,13,25	20		
61:6,7,	131:4			
	132:5			
	133:7			

46:4 82:7	33:14,21,	<b>define</b>	12,20	29:16
98:10	24 35:10,	48:9,11	14:3	<b>Director</b>
130:22	13,18	<b>degree</b>	17:4,11,	23:20
134:3	36:14,16	76:21	17 18:14	<b>directs</b>
<b>dates</b>	39:6,18,	77:19	20:13,25	7:3
113:15	21 40:1,	<b>del</b>	21:14	<b>disagree</b>
128:1	4,13,17,	6:12,16	35:14	120:23
<b>Davenport</b>	21,25	79:11,13,	39:22	<b>discontinue</b>
22:5	42:5,7,	16 80:5	42:17	<b>d</b>
<b>David</b>	10,16	126:24	50:23,25	34:19,20
85:15	44:13,16	<b>depends</b>	54:6,8	<b>discounts</b>
<b>de</b>	45:4	48:6,9	56:10,13	75:9
25:16	49:17,18	<b>deposition</b>	58:13,14,	<b>discussion</b>
<b>december</b>	50:4,9,16	7:13	20 61:12,	11:9 12:3
5:1	51:8,12	135:5	15 63:23,	67:16
<b>deceptive</b>	52:25	<b>describe</b>	24 68:9,	72:2
119:5	53:15,22	133:5	11 69:23,	<b>discussions</b>
<b>deceptively</b>	54:13	<b>describing</b>	25 98:10	22:15
119:6	56:6,18	36:8	120:20,23	24:10
<b>decision</b>	58:2,9,19	<b>design</b>	126:8,10	29:17
20:1,3	60:17,21	52:21	127:18	80:24
89:1	61:10,19	<b>designate</b>	128:7,11,	81:18,19,
127:6	62:16,19	7:5 121:1	14,18	23 82:1
<b>declaration</b>	63:10,18	<b>designation</b>	129:9	84:16,17,
8:4,9	64:3	7:12	130:3,11	18 88:5
12:15	66:11	<b>Designs</b>	131:2,10,	115:15
14:14,22,	68:4,15	77:25	17 132:7,	<b>distinction</b>
25 15:7,	69:9,19	78:1,4,8,	19 133:1,	128:10
10,12,21	70:5	11	4,13,17	<b>distributor</b>
16:7,8,	72:7,22	<b>details</b>	134:2,14,	s
18,20,23	73:3,8	104:16	19,23	76:8
17:1,3,8,	75:2,18	<b>determine</b>	135:2,3	<b>district</b>
10,22,25	76:14	34:18	<b>directly</b>	20:5
18:2,5,	80:16,22	35:7	14:15	42:22
11,21	81:2,10,	<b>Deutsch</b>	21:4	43:3,9,
19:18	14 83:9,	5:19,20,	31:16	15,22
22:12,13	21 84:2	23 6:3	42:17	44:9
23:3	85:11,18	7:10	75:8,22	<b>DLA</b>
24:7,19	116:16	11:18,20	76:1	5:20
27:5,11,	117:5	12:5,7,24	<b>document</b>	11:12,15,
21,24	118:21,24	13:1,8,		
29:13,16	129:11			
31:12,15	130:16			
	132:12			
	<b>declare</b>			
	14:18			

19 12:6	<b>Dot</b>	<b>easier</b>	<b>enter</b>	75:20
13:5,7,	36:3	54:9	103:13	123:6
10,22	50:6,11	<b>Ed</b>	<b>entering</b>	<b>examination</b>
14:1,11	51:17,21,	22:5 23:4	77:5	6:2 8:8
15:2	25 52:6,			47:14
19:22,25	14,17	<b>education</b>	<b>entire</b>	
20:9	69:11,12	24:9,21	9:13	<b>examples</b>
22:20	117:8,12	27:7	109:23	46:25
34:2		33:16		
37:21,22,	<b>Doug</b>	<b>Edward</b>	<b>entities</b>	<b>excluding</b>
23 38:14,	22:5	58:3	71:25	36:6
17,22,23	<b>download</b>		<b>entitled</b>	<b>excuse</b>
39:2,7,	12:22	<b>EE</b>	81:7,16	36:25
10,11,12,	<b>draft</b>	35:22	<b>entrance</b>	106:19
13,14	15:1	38:19,23	103:10	107:15
40:21	80:23	<b>election</b>		<b>exhibit</b>
81:3,5,11	<b>drafted</b>	10:23	<b>entries</b>	10:18,22
83:12,25	80:24	<b>embargo</b>	127:5	12:14,18
91:15	83:22	85:20	<b>entry</b>	13:19
<b>documents</b>	<b>drafting</b>	86:9,19	127:23	50:15,17
8:2,4,6	42:9 45:2	<b>embossed</b>	<b>environment</b>	51:10,11,
19:15,17		53:12	98:5	16 52:22
22:17	<b>due</b>	55:16	<b>equivalent</b>	53:5,21,
33:22,25	24:10	<b>embossing</b>	6:22	23 54:12,
35:19	74:11	53:12	<b>Esteli</b>	15 55:14,
36:15,21,	<b>duly</b>	<b>Emory</b>	60:11,18	19 56:5,
23 37:4,	5:3	5:9	70:19	8,17
16,19		<b>employ</b>	71:4,10,	58:8,10,
39:24	<b>E</b>	27:1	17,21	18 60:3
40:9,11,		<b>employee</b>		61:9,13,
12,18,19,	<b>e-mail</b>	120:14	<b>Eugene</b>	18 63:2,
20 72:16	39:16	121:7	31:18	15,16,19
84:3	<b>e-mailed</b>	<b>employment</b>	<b>event</b>	64:2
119:23	39:15	121:11	38:6	68:3,5,13
120:1	<b>E-S-T-E-L-I</b>	<b>Empresa</b>	<b>events</b>	69:18,20
<b>Dominican</b>	60:12	6:12,16	35:7	70:4,9
57:25	<b>earlier</b>	126:24	37:2,13	134:17
60:20	40:13	<b>encounters</b>	38:18	<b>exhibits</b>
<b>Dominicana</b>	102:20	19:7	<b>evidence</b>	8:3,10
53:1,6	130:22	<b>end</b>	8:7 42:21	12:16
55:8,15,	<b>ease</b>	25:3	<b>exact</b>	<b>expanded</b>
16 57:8,	6:15	129:12	16:9	33:6
24 62:14,			19:24	<b>expensive</b>
20,21			46:3	132:1
64:16				

<b>experience</b> 122:16, 20,24 123:5,9, 13,16	<b>famous-</b> <b>smoke.com</b> 133:22 <b>feature</b> 10:25 11:6,13 12:21 54:2 56:7	43:20 <b>finish</b> 8:13,21 <b>firm</b> 5:11,20 <b>flip</b> 34:1 45:22 119:19	<b>Frank</b> 5:6,11, 17,22 6:1,5 7:15,16 10:20 11:8,10, 11,18 12:1,4,8, 13,20,24 13:7,11, 16,21 14:6,8 17:5,14, 21 18:18, 19 20:16 21:8,17 35:16 37:10 40:2 42:19 50:14,19, 23 51:4 53:20 54:1,6,11 56:4,12, 16 58:7, 12,16,24 61:8,17 63:14,21 64:1,8,10 67:14,17, 18 68:2, 7,12 69:17,22 70:2 72:1,5,6 98:12,14 120:22 121:6,19, 22,23 126:8,11 127:16 128:3,8, 13,20 129:4 130:2,10	131:1,9, 16 132:4, 8,16,25 133:3,11, 15,25 134:12, 21,24 <b>freedom</b> 51:2 <b>frequently</b> 93:10,20 95:8 104:12, 23,24 105:8,16 108:11,13 <b>front</b> 132:24 <b>Fruit</b> 78:20,22, 25 79:3 <b>full</b> 26:25 28:12 29:5 33:12 <b>fully</b> 10:11,16
<hr/>				
<b>F</b>	<b>FET</b> 75:8 <b>figure</b> 11:22 <b>file</b> 11:21 <b>filed</b> 12:17 13:14 44:2,7 119:9 126:25 <b>filing</b> 13:10 <b>final</b> 125:25 <b>finding</b> 37:11 <b>findings</b>	<b>forbid</b> 132:14 <b>forbidden</b> 134:16 <b>form</b> 39:22 129:3 <b>formal</b> 86:12 88:3 <b>formulating</b> 42:7 <b>forward</b> 6:7 <b>fourth</b> 55:21 57:4,10 60:2 63:1 65:3,9 68:25		
<hr/>				
<b>face</b> 9:14 <b>fact</b> 22:8 43:20 91:15 <b>factory</b> 71:7 <b>facts</b> 16:21,24 20:8 <b>familiar</b> 121:8 <b>familiarize</b> 39:24 <b>Famous</b> 133:6,9				

<b>gas</b>	33:21,24	17,19,22	<b>Gigante</b>	71:4,10,
47:5,9,20	34:5,11,	74:1,11,	57:22	17,19,21
96:17,19	15 35:3,	20,24	<b>give</b>	<b>guess</b>
98:8,16,	18,23	75:7,12,	6:6 36:20	13:9,25
19,22,25	36:3,7,9	14,19,21,	37:3,15	
	37:25	25 76:6,7	39:13	
<b>gather</b>	38:5 39:8	80:19	129:25	<b>H</b>
16:21	41:4,8,12	81:21,22	132:25	
127:21	42:23	82:3,17,		<b>Habanos</b>
<b>gave</b>	43:4,10,	22 83:1,5	<b>giving</b>	119:9
37:19	16,23	84:25	6:23 8:25	126:23,24
128:22	44:3,8,	85:3,6	133:23	
130:18	17,22,23	86:21	<b>Gloria</b>	<b>half</b>
<b>Gene</b>	45:7,12,	87:12,18,	44:19,23	9:13
23:6	16,24	25 88:13	<b>gold</b>	<b>handmade</b>
31:17	48:20,25	95:4,8,	59:22,23,	60:11,18,
	49:9,14,	13,17,22	24	19 65:10
<b>general</b>	23 51:16,	96:2	<b>good</b>	67:2
5:24	20,25	103:7	5:10 6:1	70:18
6:13,17,	52:5,10,	105:2	9:23 11:7	<b>hands</b>
18 8:5	13,17	112:2,9,	106:22	9:14
12:16	54:16,19,	13,17,20,	<b>goods</b>	<b>happened</b>
14:14	23 55:2,	25 113:4,	85:22	82:2
15:10	22 56:21,	8,12,20,	86:10,20	115:3
16:17	23 57:6,	21 114:2,	131:15	<b>happening</b>
19:1 20:5	10,14	6,10,15,	132:2,15	91:11
22:16	58:25	20,24	<b>Government</b>	<b>hard</b>
23:1,8,	59:3,7,11	115:6,10,	85:20	13:2,3
10,12,14,	60:3,7,20	14	86:8,18	51:13
19,22,24	61:21,24	116:19,23	<b>graduated</b>	<b>Harry</b>
24:3,21,	62:1,5,8	119:17	76:15	61:4 63:9
24 25:5,	63:3,6	120:14	<b>graduating</b>	<b>Havana</b>
7,10,13,	64:5,11,	121:13,	77:2,4,22	93:1,4
18,19,25	14,19,22	14,17	<b>Gran</b>	102:18,21
26:6,10,	65:1,4,	131:5	66:17	103:16
15,19,23	13,15,17,	132:2	<b>graphic</b>	104:5
27:8,15,	20,24	<b>geographic</b>	134:11	<b>head</b>
18 28:3,	66:3,8,	93:6	<b>gray</b>	10:5
5,11,15,	13,22	<b>geographica</b>	70:9	<b>hear</b>
17,20	67:5	1	<b>Group</b>	7:21 18:8
29:9,19,	68:18,22	126:20	33:9	<b>Heinz</b>
23 30:1,	69:1,5	<b>geographica</b>	70:19	79:4,6,8,
4,12,19	70:25	lly		
31:1,5,8,	71:2,6,9,	119:5,6		
21,24	22 72:19			
32:2,12,	73:3,6,			
13,17,20	10,13,14,			

10	<b>identificat</b>	66:11	23 28:16	128:25
<b>held</b>	<b>ion</b>	68:17	34:15,23	<b>individuals</b>
103:4,10	10:19	69:4	35:17	22:7 82:5
104:9	12:19	70:8,10,	36:2	84:12,14,
<b>helpful</b>	50:18	13	59:22	22,25
9:13	53:24	<b>images</b>	80:21	85:2,5,10
<b>highly</b>	56:9	36:2,4	81:1,9,13	<b>industry</b>
121:1	58:11	53:5	83:20	81:8,17
<b>historical</b>	61:14	55:14	<b>includes</b>	<b>inflation</b>
35:6	63:20	59:20	75:14	131:24
37:1,13	68:6	60:2,16	<b>including</b>	<b>information</b>
<b>history</b>	69:21	62:19	8:25	7:5,6
41:4	<b>identified</b>	63:1	22:14	15:4
74:13	36:17	68:21,25	<b>Incorporate</b>	24:6,19
81:7,16,	37:2	<b>immediately</b>	<b>d</b>	27:4,20
19,20	40:13,22	42:4,15	6:13	29:2,6,12
<b>hold</b>	55:12	127:25	<b>increase</b>	31:11,14
11:7	83:12	<b>important</b>	131:13,14	32:22
20:25	<b>identify</b>	7:17 9:11	<b>increases</b>	33:13
29:8	5:18	<b>importation</b>	74:12	34:12,22
44:21	24:18	85:21	130:22	35:6
<b>home</b>	36:16	86:9,19	131:22	37:1,13
18:15	37:15	<b>imposed</b>	<b>increments</b>	39:25
<b>Honduras</b>	39:6	85:20	74:11,14	65:22
65:10,11,	40:12,21	86:8,18	<b>indigo</b>	76:9
18,20	81:24	<b>in-person</b>	63:10	83:15,16
66:19	84:13	15:24	67:9,22	85:4
67:2,3	<b>III</b>	16:4	<b>individual</b>	90:18
<b>hour</b>	<b>image</b>	<b>inaudible</b>	56:20	93:22
19:9	51:16	22:4	64:25	94:14,22
<b>hours</b>	52:5	<b>include</b>	68:17	95:5,14,
19:8	54:15,23	21:4	84:6,10	19 96:3,
<b>Hoyo</b>	55:18,19,	26:19	<b>individuall</b>	15 97:8
25:16	21 56:20	28:15	<b>y</b>	104:10
	57:4,10,	33:6	51:21,23	105:14
	13,14,17	35:12	52:1,4,14	110:6
	58:25	48:20	54:20	114:12
	59:7	73:2	55:3	125:19,24
<b>I</b>	60:6,14	75:11	56:25	126:7
	61:21	116:22,25	59:4,13	132:18
<b>idea</b>	62:5 63:5	<b>included</b>	62:2,9	<b>inquire</b>
105:2	64:5,11,	23:25	67:6	127:11
106:22	25 65:3,	26:10,15,		<b>instruct</b>
	9,23			17:12



<b>instructed</b>	12,16,18, 17:18,19	53:20 56:4 58:7	<b>Kids</b>	<b>largest</b>
	97:2,5, 11,15,19, 24 98:4,	61:8 63:14,16 68:2	78:8,13, 16,19	133:14
<b>instructing</b>	7,15,18, 21,24	69:17	<b>kind</b>	<b>lasted</b>
9:3	21,24		92:4	94:24
<b>instruction</b>	99:3,6, 10,14	<b>introduced</b>	127:12	109:9,13
21:14	100:4,8	13:19	<b>knew</b>	110:4,8,
<b>instructs</b>	102:5	51:10	21:20,22	12,16,20,
7:9	105:11,15	<b>invested</b>	104:22	24 111:3,
<b>interacted</b>	106:15	35:4	105:7	7,11,15,
92:21,24	108:1	<b>issue</b>	<b>knowledge</b>	20,22
100:12,	114:13,	41:24	22:13	<b>lasting</b>
16,19,23	18,22	81:6,15	47:6,24	111:18
101:2,5,	115:4,8,	96:5,9	48:2,3,5,	<b>latest</b>
10,14,17,	12,18,22	115:19,24	8 66:10	127:5,23
21,25	116:1,5,	116:2,9,	80:12	<b>launched</b>
102:7,11,	7,11	12	86:22	34:20
14		<b>issued</b>	88:4 89:3	36:9
103:18,	<b>Internation</b>	10:24	103:7	<b>law</b>
22,25	<b>al</b>		129:1,17	5:11,20
104:5,8,	103:4,5,	<b>J</b>	131:13	43:20
11 106:6	6,11		<b>Kretek</b>	<b>laws</b>
107:1,4,8	104:9	<b>Jared</b>	119:10	14:19
108:6	<b>Internation</b>	67:10,23	<b>Krinsky</b>	<b>lawsuit</b>
121:25	<b>al's</b>	<b>job</b>	5:12	6:23
122:6,15,	119:10	84:21	<b>L</b>	<b>lay</b>
19,23	<b>internet</b>	<b>joined</b>		130:6
123:4,8,	85:25	24:10,21	<b>L-A-H-M-A-N</b>	<b>leaving</b>
15,20,24	87:4	33:17	25:1	26:18
124:5,9,	134:9	80:6	<b>La</b>	121:14
11,15,20,	<b>interrupt</b>	<b>joining</b>	44:19,23	<b>left</b>
23 125:3,	7:10	41:6	<b>Lahmann</b>	23:14
7,12,15,	18:14	<b>judge</b>	22:5 23:5	26:4
21 126:1,	<b>interviews</b>	6:24 20:3	24:23,24,	78:10
5	15:14,21,	<b>K</b>	25 25:4	<b>legal</b>
<b>interacting</b>	22,24		27:6,9,12	5:14 6:25
106:11	16:4	<b>Kevin</b>	<b>Lahmann's</b>	7:8,22
<b>interaction</b>	83:24	69:9	25:9	8:15,23
<b>s</b>	<b>introduce</b>		26:23	9:2 15:1,
88:25	10:21	<b>large</b>		9 16:16
91:14,18	12:13	133:9		17:4,6,9,
92:12	50:14			23 19:10
93:19				20:1,3
95:21,25				
96:1,4,8,				



21:15,19	20:4	<b>looked</b>	23 118:7,	22 45:11
40:5	41:7,12	127:5	11	88:18,22
42:15	42:22	<b>Loom</b>	<b>made</b>	<b>manages</b>
44:2	43:3,9,	78:20,22,	22:12	25:16
80:23	15,22	25 79:3	65:15	<b>manufacture</b>
83:23	44:3,7	<b>loss</b>	70:24	71:10
<b>legend</b>	<b>LLP</b>	34:21,25	89:2	<b>manufacturi</b>
52:25	5:20	36:19	128:9	<b>ng</b>
55:7 57:3	<b>location</b>	119:17,22	<b>magazines</b>	77:24
59:16	55:11	120:4,7,	48:12	<b>mark</b>
60:11	92:2,12	12	88:7	41:5
62:13	93:2,4,6	<b>lot</b>	94:9,13	119:11
<b>length</b>	100:7	126:18	107:24	<b>marked</b>
109:15	102:19	<b>loud</b>	108:3,7,	8:3 10:18
<b>lettering</b>	<b>locations</b>	10:2	16,20	12:18
55:11	47:8,19	<b>lowest</b>	<b>mail</b>	14:3,6
59:24	92:4,6,	46:12	85:25	50:17
<b>Lieberman</b>	13,16	48:17,23,	87:4	53:23
5:12	99:18,21	25 49:14	<b>maintain</b>	56:8
<b>light</b>	100:12,	74:23	120:7,11	58:10
81:20	18,19,23	<b>lunch</b>	<b>maintained</b>	61:13
<b>limited</b>	101:5,10,	9:1	22:17	63:19
24:3,5	17,21	<b>luncheon</b>	33:22,25	68:5
<b>Lindsey</b>	102:7,9,	72:3	35:19	69:20
5:11	14,24,25		<b>major</b>	<b>marketing</b>
<b>liquor</b>	103:18		134:8	22:15
48:1	<b>logo</b>		<b>make</b>	23:1,20
96:21	59:23	<b>M</b>	7:23 8:16	27:19
99:4,8	<b>long</b>	<b>M-A-C-A-N-</b>	10:5 22:7	28:9
<b>list</b>	19:6	<b>U-D-O</b>	65:20	36:25
34:11	93:24	44:18	71:4	39:15
35:20,24	94:3	<b>M-A-C-A-S-</b>	<b>making</b>	88:19,22,
38:18	95:12	<b>S-A-R</b>	37:16	24
39:8	107:18	56:1	127:13	<b>Martinez</b>
49:19	122:1,3,7	<b>M-O-N-T-E</b>	<b>managed</b>	23:4,9
<b>listed</b>	<b>longer</b>	79:11	24:14	24:8,11,
66:18	109:9,11,	<b>Macanudo</b>	<b>manager</b>	16,20
<b>lists</b>	14 110:4,	44:18,23	25:11,22,	<b>Martinez's</b>
57:23	9,13,17,	<b>Macassar</b>	23 28:23,	23:18
<b>litigation</b>	21,25	56:1,21,	25 29:4,	<b>Mary</b>
19:20	111:4,8,	24 57:6,	10 30:2,	76:15
	12,16,18,	11,15,22,	24 44:17,	77:2,5
	23			

<b>master's</b>	<b>meetings</b>	13,17	85:10	22,25
76:21	24:16	<b>minutes</b>	<b>mute</b>	47:5,8,
77:1,5,19	<b>memorialize</b>	109:19	18:17	19,21,23
<b>Match</b>	91:13	110:21,25		48:1,4
45:20,24	<b>mention</b>	111:4,8,	<b>N</b>	<b>normal</b>
46:7	118:25	12,16,18,		24:13
80:6,9	<b>mentioned</b>	20,23	<b>names</b>	<b>nos</b>
<b>math</b>	15:16,20	<b>misdescript</b>	82:4	10:4
49:2	16:6 28:1	<b>ion</b>	101:4,16	<b>note</b>
<b>Matt</b>	29:18	126:20	102:13,	8:15
23:5	31:17	<b>misdescript</b>	17,25	<b>noted</b>
29:18	40:8	<b>ive</b>	<b>needed</b>	7:15
<b>matters</b>	<b>merchant</b>	119:6	128:12	13:17
121:1	86:1 87:5	<b>misheard</b>	<b>newspaper</b>	18:18
<b>Matthew</b>	130:7	56:13	48:4,7,10	35:21
22:3,5	133:7,10	<b>misundersto</b>	99:16	<b>notes</b>
<b>MBA</b>	<b>merchants</b>	<b>od</b>	<b>newspapers</b>	91:9
79:19,24	133:14	30:16	48:12	<b>notice</b>
80:3	<b>met</b>	126:17	<b>newsstand</b>	10:22
<b>Mckenzie</b>	40:5	<b>mixed</b>	97:3	11:17
78:8,13,	<b>mic</b>	122:9	<b>newsstands</b>	12:10
16,19	18:16	<b>moment</b>	48:14	119:9
<b>Mckeon</b>	<b>Mild</b>	17:6	<b>next-door</b>	121:13
5:25 6:4	47:1	<b>Monte</b>	18:16	<b>Ns</b>
<b>meaning</b>	<b>million</b>	79:11,13,	<b>Nicaragua</b>	25:1,2,3
35:14	35:4	16 80:5	58:4	<b>number</b>
<b>means</b>	<b>miniature</b>	<b>Monterrey</b>	59:1,4,8,	16:9 26:3
7:20	48:21	25:17	12,17,21	91:23
<b>measure</b>	49:1,9,15	<b>morning</b>	60:4,7,	92:5
131:7	72:14	5:10	12,18	99:20
<b>media</b>	117:2	<b>move</b>	69:15	100:22
86:24	<b>miniatures</b>	9:16	70:11,14,	101:9,13,
88:6	69:11	<b>moved</b>	15,20,23	20,24
<b>medical</b>	129:7	121:16	71:4,5,7,	102:2,6,
10:14	<b>minis</b>	<b>multiple</b>	11,23	9,10
<b>medication</b>	129:7	23:25	118:1,5	111:19
10:10	<b>minute</b>	28:15,17	<b>nonconfiden</b>	123:6
<b>meeting</b>	94:25	41:19	<b>tial</b>	124:2,7
19:9	109:9,11,	81:20,23	13:14	127:4,17,
	14,18	83:24	<b>nonpremium</b>	23 130:21
	110:4,9,	84:12	46:16,19,	<b>numbered</b>
				127:20

<b>numbers</b>	<b>occurred</b>	85:25	72:3,4	67:9,22
75:20	84:19	87:4	121:20,21	69:8
102:12	91:18	133:21	135:5	72:7,18
112:18	92:1	134:15,18	<b>packages</b>	73:1,2
127:2	<b>office</b>	<b>ordering</b>	69:11	75:2,5,18
	9:6 119:3	133:23	72:23	80:15,22
<b>O</b>	132:10,14	<b>Oregon</b>	<b>packaging</b>	81:1,9,13
	<b>Office's</b>	76:21	36:1	83:8,11,
<b>object</b>	127:14	77:6,20,	<b>pages</b>	14,19,20
7:1 17:11	<b>onboarding</b>	23	58:21,23	84:1,5,9
20:25	33:16	<b>origin</b>	<b>pandemic</b>	85:11,14,
21:1	<b>ongoing</b>	52:25	9:8	17 86:2,
<b>objection</b>	119:12	55:7 57:3	<b>paper</b>	4,6,16,25
8:15,16	<b>online</b>	59:16	51:1,2	87:14,22
20:13	133:6,20	60:11	54:9	88:8,15,
35:14	<b>open</b>	62:13	132:23	21
39:22	12:23	64:18	<b>papers</b>	116:15,20
42:17	<b>opened</b>	<b>outpaced</b>	44:7	117:4
120:20	13:6	131:22	<b>paragraph</b>	118:20
129:4	<b>opening</b>	<b>outstripped</b>	22:11,18,	119:16
130:2,10	50:21	131:14	23 23:2	129:10,12
131:1,9,	54:4	<b>overlap</b>	33:20	130:16,24
16 132:4,	<b>opinion</b>	46:5	34:4,15,	132:12,20
16	41:15,16,	<b>Owen</b>	17,23	133:5
133:11,	18,24	5:25	35:9,12,	<b>paragraphs</b>
15,25	42:3,9,14	<b>Owl</b>	17,21,25	33:23
134:12	<b>objections</b>	47:2	36:2 37:3	34:7
7:22	7:22	<b>owned</b>	38:7 39:6	37:5,6,
<b>obtain</b>	<b>opinions</b>	46:7	41:2,3	15,17
35:1	41:7,11	103:6	44:12	118:24
36:23	<b>opposing</b>	<b>ownership</b>	45:9,19,	<b>part</b>
<b>obtained</b>	119:10	41:5	22 46:8,	15:6,10
27:8	<b>opposition</b>	<b>owns</b>	11 48:16	16:17
76:20	119:9	103:7	49:17	17:3
79:19	126:22,25		50:4,9	22:21
<b>obviate</b>	127:3,4,		52:24	24:10
126:17	20 128:4		53:15	27:7,10
<b>occasions</b>	<b>oppositions</b>	<b>P</b>	55:6,24	39:16
19:4,5	127:22	<b>P-E-Q-U-E-N</b>	57:2 58:2	71:17
<b>occur</b>	<b>orally</b>	69:12	59:15	120:6,10
92:4	10:23	<b>p.m.</b>	60:10,21	<b>Partagás</b>
<b>order</b>	<b>order</b>		61:3	30:9 31:1
			62:12,16	<b>parties</b>
			63:9	9:8

<b>party</b>	<b>person</b>	<b>phone</b>	55:13	40:4,17,
86:14	9:6 82:11	16:1	59:19	25
87:9	<b>personal</b>	<b>photograph</b>	60:14,16	<b>prepared</b>
88:10	22:13	50:5 61:4	62:18	42:6
<b>past</b>	86:22	67:10	108:9	<b>preparing</b>
39:24	<b>personnel</b>	<b>photographs</b>	<b>points</b>	16:20,23
40:8,11,	22:15	50:5,10	34:6,9	17:1,8,22
18,19	23:1 33:8	53:16	<b>portfolio</b>	18:2
<b>Patent</b>	<b>persons</b>	55:25	23:23	20:10,21
119:2	21:6	58:3	<b>portion</b>	21:11
132:9,13	82:14	60:22	33:16	36:14
<b>penalty</b>	<b>perspective</b>	63:11	46:1,2,4	42:5,15
14:19	17:2,9	67:11,23	<b>position</b>	<b>present</b>
<b>pending</b>	20:12	69:10	26:15	5:24 6:2,
67:19	<b>petitioner</b>	<b>photography</b>	28:19,22	24
<b>Pennsylvania</b>	5:13 6:16	36:1	29:8,25	<b>presented</b>
<b>a</b>	10:18,24	<b>Piper</b>	31:23	8:22
103:1	12:18	5:20	32:1,4,6,	39:25
<b>people</b>	50:17	<b>place</b>	11 44:21	<b>president</b>
21:18	53:23	9:5 15:16	121:17	27:19
81:20,24,	56:8	92:12	<b>possession</b>	28:9 32:5
25 82:16,	58:10	96:13,17,	39:14	<b>press</b>
21,25	61:13	21,24	<b>power</b>	36:8
83:4	63:19	97:3,6,	132:14	<b>previous</b>
108:15	68:5	12,16,20,	<b>preceding</b>	19:19
<b>Pequeños</b>	69:20	25 98:8,	127:22	34:21
69:12,14,	<b>Petitioner's</b>	16,19,22,	<b>premium</b>	<b>previously</b>
15 70:11,	10:22	25 99:4,	46:12	22:4
14,15,23	12:14	7,11,15	48:17,20	40:22
71:5,11,	50:15	100:4,8	85:18	42:8
23 128:24	51:11	<b>places</b>	86:7,17	55:12
129:5,25	52:22	74:17,19	87:1,15,	80:18
<b>percentage</b>	53:5,21	<b>plaintiff's</b>	23 88:24	83:17
124:1	54:12,15	127:24	131:6	119:14,15
<b>period</b>	55:14,18	<b>plans</b>	132:1	128:10
8:6	56:5,17	36:5	<b>preparation</b>	<b>price</b>
26:22,25	58:8,18	<b>point</b>	20:18	34:6,8,
35:5	60:3	15:5	<b>prepare</b>	10,11
109:23	61:9,18	22:21	15:21	35:23
131:7,15	63:2 64:2	26:4,7,	18:23	39:8
<b>perjury</b>	68:3,13	13,14	19:11,14	48:23,25
14:19	69:18	36:12	39:17,20	49:14,25
	70:4	53:4		50:2

72:8,12, 19 73:4, 7,21 74:1,9, 12,21,23 103:9 116:19, 22,23 117:4,11, 15,20,23 118:4,11, 17 129:12,18 130:8,14, 21 131:14, 22,23	34:17 41:6 42:4,15 73:18 74:8 76:4,12 85:3 109:22,25 117:9,18 118:2,8, 15 <b>privilege</b> 9:3 <b>problem</b> 61:2 <b>proceeding</b> 6:11,22 8:7 12:17 14:16 119:12 128:3,4 <b>proceedings</b> 72:4 121:20 132:9 <b>process</b> 9:5,12 42:4,9 <b>product</b> 50:2 57:24 66:19 80:13 <b>production</b> 71:22 <b>products</b> 45:12 47:11,16 80:10 91:22 <b>profit</b> 34:21,25 36:19	119:17,21 120:3,7, 11 <b>program</b> 77:1,6,19 <b>projected</b> 118:10 <b>promotion</b> 35:5 <b>promotional</b> 35:2 <b>properly</b> 10:3 <b>proposed</b> 43:20 <b>provide</b> 34:22 35:24 36:2 75:6 117:4 <b>provided</b> 60:15,17 116:18 <b>public</b> 13:15 <b>Pump</b> 93:1,2,5 102:22 <b>Punch</b> 25:16 <b>purchase</b> 89:2 134:9 <b>purposes</b> 64:8 <b>pursuant</b> 11:16 12:10 <b>put</b> 18:16	109:16 132:21 <hr/> <b>Q</b> <hr/> <b>quantify</b> 35:3 <b>question</b> 7:8,25 8:13,21 9:2,4,24 17:13,15, 18,20 18:7,9 21:10 26:12 30:17 32:8 37:11 39:19 40:15,19 47:12,13, 18 49:13 50:8 58:17 61:1 67:19 68:13 70:10 72:13 93:13,14, 18 94:2, 10,18 95:23 97:10 104:16,19 105:19,23 106:2,4, 7,9,13,14 107:25 108:8,12 113:23 125:25 126:10	<b>questioning</b> 126:18 <b>questions</b> 7:1,24 9:25 12:25 91:5 104:14 114:25 115:17 126:13 128:15, 19,22 130:21 132:8 134:20 <hr/> <b>R</b> <hr/> <b>R-O-Y-A-L-E</b> 64:9 <b>Rabinowitz</b> 5:11 <b>raise</b> 96:5,9 115:19,23 116:2,8, 12 131:6 <b>range</b> 72:8,12 74:1,10 117:11, 15,20,23 118:4,11, 17 129:13,18 <b>ranges</b> 116:19, 22,23 117:4 125:4,8, 16,22 126:3
<b>priced</b> 46:12 48:17				
<b>prices</b> 35:24 39:5,7 49:19 50:3 73:2 74:10,20 130:15,23 131:6,14				
<b>primarily</b> 47:11,15 48:11 91:21 119:5 129:23				
<b>printout</b> 54:7				
<b>printouts</b> 134:3				
<b>prior</b> 19:21 25:21 26:14,18 28:22 29:9				

<b>rate</b>	42:12,13,	13,25	7:12	51:17,21,
131:23	25 72:17	103:20,	58:12	25 52:6,
<b>ratings</b>	74:3,4,6,	21,24	120:17	14,17,18
108:16	8,9 75:24	104:4,7,	<b>received</b>	69:11,12
<b>reached</b>	76:3,9,11	10,15,18,	54:4	117:8,12
127:7	82:1,4,6,	21,22	56:15	<b>refer</b>
<b>read</b>	9,10,13,	105:4,6,	58:14,15	47:14
42:3	16,19	7,22,25	61:11,15,	<b>reference</b>
54:10	83:3,4,7	106:1,4,	16 63:22,	6:15
57:20	84:15,16,	8,13,17,	24,25	33:21
65:7	18,21,24	24 107:2,	68:8,10	34:5,6
66:15,25	85:2,7	3,7,20	69:23,25	37:14
67:20	89:9,13,	108:4,9,	70:1	48:19
88:9	15,16,17,	11,14,15,	<b>recess</b>	87:16
94:8,12,	19,23,24	17,18	72:3	<b>referenced</b>
16,20	90:1,2,4,	109:8,10,	121:20	34:19
107:24	5,6,8,9,	12,15,20,	<b>recollectio</b>	82:14
108:3,7,	10,11,13,	21 110:3,	<b>n</b>	102:20
23 109:2,	14,15,16,	5,7,10,	81:12	<b>referencing</b>
4	18,21,24	11,14,15,	122:10,11	37:7,12
<b>reading</b>	91:17,23,	18,19,22,	<b>record</b>	<b>referred</b>
86:24	25 92:5,	23 111:2,	5:8,18	36:20
<b>ready</b>	13,14,19,	6,10,14,	7:18 8:17	40:10
133:2,3	20,23	19,21	10:3	<b>referring</b>
<b>real</b>	93:7,12,	112:3,5,	11:8,9,10	19:22
51:13	22 94:1,	10,14,22	12:2,3,4	22:22
<b>Realm</b>	6,10,14,	113:1,5,	13:8,15	23:2
102:18,22	23 95:1,	9,13,14,	18:4,10	31:18
103:17,	2,5,14,	15 114:3,	38:11	35:9,20
22,25	18,20,24	7,16,21	40:24	47:15
<b>reason</b>	96:3,12,	115:1,7,	57:21	49:6,9
7:24 9:3	15,16	11,15,16	65:7	62:14
10:7	97:8,14,	122:3,6,	66:15	72:18
<b>recall</b>	18,23	17,18,21,	67:1,14,	73:1
16:9	98:2,6	22,25	16,17	91:21
19:24	99:20,22,	123:1,6,	72:1,2,5	<b>reflect</b>
20:7	24,25	7,10,11,	121:19,22	127:6
23:6,15	100:1,3,	14,20,24	128:10	<b>reflected</b>
29:1 33:2	7,11,14,	124:1,5,	135:1,4	130:16
36:11,18	15,17,18,	9,13,15,	<b>recorded</b>	<b>refusal</b>
40:7,23	21,22,25	18,20	15:14	127:8
41:17,21,	101:1,3,	125:3,7,	<b>red</b>	128:8
22,24	4,7,8,9,	10,12,18,	36:3	
	13,16,19,	24 126:7	50:6,11	
	20,23,24	130:17		
	102:2,6,	<b>receive</b>		
	9,10,12,			

<b>refused</b>	108:8	<b>representat</b>	26:8,10,	72:19
119:3	111:17	<b>ive</b>	15,19,23	73:3,7,
126:19	114:25	35:8	28:10,13,	21,25
	128:21	<b>represented</b>	14,16	74:21
<b>refusing</b>		5:14	29:3	91:19,20,
17:15	<b>remotely</b>		30:4,11	24 96:14
	9:9	<b>Republic</b>	31:8	97:6,12,
<b>regard</b>		57:25	32:10,16,	16,20,25
126:14	<b>repeat</b>	60:20	20,23	98:5
128:20	18:7,9	<b>Republica</b>	33:6,11	103:2
132:10	21:10	53:1,6	38:4	116:18
<b>regional</b>	26:12	55:7,15,	45:1,3	117:11,20
28:23,25	37:10	16 57:7	82:10	118:4,11,
29:4,9	39:19	59:16,20	120:7,11	17 129:23
<b>register</b>	40:15	62:13,20,		130:8,15,
127:8	47:12	21 64:15	<b>responsibil</b>	23
	49:13		<b>ity</b>	
<b>registratio</b>	50:8	<b>resale</b>	24:17	<b>retailer</b>
<b>n</b>	60:25	49:19,25	<b>responsible</b>	103:5
41:5	61:1	<b>research</b>	23:23	134:9
119:3,10	93:18	86:14,21	26:3	<b>retailers</b>
126:18	95:23	87:9,12	30:8,25	86:24
127:1,7	103:23	88:9,13	38:6	88:6 89:1
128:5,9	106:7	<b>resellers</b>	44:17,22	133:19,20
<b>regular</b>	107:25	45:6,11,	15	<b>returned</b>
6:23	113:22	50:2		26:6
24:15	<b>rephrase</b>	<b>reserve</b>	<b>result</b>	<b>returning</b>
	8:1 32:8	7:11	33:18	26:17
<b>regularly</b>	71:16	<b>reserved</b>	85:22	48:15
22:17	<b>reporter</b>	135:6	<b>results</b>	<b>review</b>
33:22,25	7:21 9:25	<b>respect</b>	19:19,22	11:15
35:19	10:2	127:14	<b>resumed</b>	15:2
<b>relative</b>	24:25	<b>response</b>	72:4	19:15,17
132:1	64:9	7:4	121:21	22:16,19,
<b>releases</b>	65:19	106:14	<b>retail</b>	20 33:21,
36:8	<b>reports</b>	109:22,	35:24	24 34:2
<b>relevance</b>	34:13,18	23,25	39:5	35:18
120:21	43:8	<b>responses</b>	46:13	36:15,21
	86:24	107:20	47:9,10,	38:15
<b>remarks</b>	<b>representat</b>	108:14	14,20	42:14
6:7	<b>ion</b>	<b>responsibil</b>	48:17	44:6 51:6
<b>remember</b>	70:7	<b>ities</b>	49:19,25	58:18
18:20	126:12	23:21	50:3	70:3
23:16	127:13	25:13,24	51:24	80:15
42:2			54:21	81:2,10,
105:1				



15 83:8	<b>Ridge</b>	<b>sale</b>	9:6	134:4,8,
84:2	77:25	65:11	<b>second-to-</b>	17
119:17	78:1,4,7,	85:21	<b>last</b>	<b>September/</b>
<b>reviewed</b>	10	86:9,20	14:1	<b>october</b>
19:18	<b>rights</b>	132:15	<b>section</b>	81:6,15
34:10,13,	135:6	134:16	34:4	<b>serial</b>
14,17,21,	<b>room</b>	<b>sales</b>	<b>sell</b>	127:2
25 35:6,	9:18,20	28:23,25	34:14	<b>series</b>
23 36:1,	<b>rounds</b>	29:4,9	46:20,23	15:2,14,
5,8 37:4,	118:25	32:5	47:11,15	16 16:6
16 39:11,	119:4,11	33:7,8	49:23	91:4
23 40:8,	126:15,19	34:13,17,	50:2	126:12
18 41:4	127:1,8,	24 75:6,	51:22,25	<b>server</b>
42:8,20	15 128:5	11,14,17	52:4	36:25
43:1,7,	132:11	<b>salespeople</b>	74:20	<b>service</b>
13,19	134:10,16	39:16	91:21	26:6
44:1 51:7	<b>Royale</b>	<b>sample</b>	<b>selling</b>	<b>set</b>
58:22	63:12	66:3	49:3,4,22	41:6
80:17	64:6,9,	70:14	74:17,19	<b>seventh</b>
119:22	12,15,19,	<b>save</b>	<b>sells</b>	69:4
120:1	23 65:1,	11:23,24	48:12	<b>shaking</b>
<b>reviewing</b>	4,14,20,	<b>Scandinavia</b>	129:23	10:4
13:18	24 66:4,	<b>n</b>	<b>Senior</b>	<b>share</b>
<b>reviews</b>	6,8,13,	5:25 33:8	25:11,21	10:24
80:25	17,18,23	46:7	30:2,24	<b>shared</b>
108:17,20	67:6	70:19	44:16,21	11:13
<b>revisions</b>		71:3,9,	45:10	12:21
15:3,16	<b>S</b>	17,18,19,	<b>sense</b>	13:7
16:6,7		21	10:5	36:24
83:24	<b>S-C-H-E-E-R</b>	<b>Scheer</b>	<b>sensitive</b>	<b>shed</b>
<b>Richmond</b>	38:13	37:20,25	7:4	81:20
92:18,23	<b>S.A.</b>	38:9,15,	<b>sentence</b>	<b>sheets</b>
102:23	65:11,19	20 39:1	22:24	34:14
<b>Richter</b>	67:3	<b>Scheer's</b>	41:3	<b>Short</b>
23:6	70:19	37:24	<b>September</b>	93:1,2,5
31:17,18,	71:4,10,	38:12	14:12	102:22
20 33:15,	21 119:9	<b>screen</b>	24:15	<b>showing</b>
19	126:24	11:5	26:5	8:2
<b>Richter's</b>	<b>salaried</b>	132:22	29:24	<b>shown</b>
31:23	120:14	<b>Sean</b>	30:20,22	130:24
32:9,11,	<b>salary</b>	35:7 37:2	31:1,5	
15,19	120:17,19	<b>seated</b>	45:10,16	
33:10				



134:10	12 114:2,	73:10,13,	113:14	<b>spell</b>
<b>shows</b>	6,10	17 74:25	114:25	38:12
34:23	116:23,25	75:22	119:21,25	<b>spelled</b>
<b>side</b>	128:20,24	76:1,7	124:1,2,7	25:1 64:9
11:4	129:13,	85:23	125:24	<b>spending</b>
<b>sign</b>	19,22,25	87:2,17,	126:7	35:2
14:11	<b>smoke</b>	24 117:9,	<b>specificall</b>	<b>spent</b>
<b>signature</b>	106:20,21	18 118:2,	<b>y</b>	18:5,11,
14:9	133:7,9	8,15	23:7	20
134:22	<b>smoked</b>	128:20,25	24:6,9,18	<b>spoke</b>
135:6	106:11	129:3,5,7	27:4,20	82:17,22
<b>signed</b>	<b>smokeless</b>	<b>southern</b>	29:1,12	83:1,5
15:5	80:9,13	20:4	31:11	89:18,25
44:16	<b>smokers</b>	42:22	33:2,13	90:7,12,
<b>signing</b>	122:1,7	43:3,9,	36:16	17,23
15:18	124:3	15,22	37:7,11	91:6
18:6,12,	<b>smoking</b>	44:9	40:20	93:10,16,
21 45:4	93:25	<b>speak</b>	42:13	24 94:4,
73:7	94:5	89:7	49:6,8	8,12,16,
<b>silver</b>	105:3	99:19	72:17	20 95:3,
53:8,10,	106:23,24	126:22	74:3	7,12,16
12,13	107:3,7,	<b>specific</b>	95:18	104:23
55:10,11,	18 122:2,	20:7	98:2	107:17,23
17 62:21,	4,8,16,	23:11,15	100:6	108:22
23	20,24	27:3,23	104:16	109:1
<b>single</b>	123:5,9,	29:15	108:4	112:1,5,
129:1	16	31:14	113:1	8,12,16,
<b>sir</b>	<b>sold</b>	33:18,23	119:24	20,24
128:13	46:13,17,	38:3	<b>specifics</b>	113:3,7,
<b>sixth</b>	19,22	71:24	74:9	11,17,19,
68:25	47:5,8,	82:1	82:6,19	21 114:1,
<b>small</b>	19,21,23	84:15	83:3,7	5,9
49:5,6	48:1,4,7,	91:23	84:17	<b>stand</b>
72:8,19	13,17	92:5	85:8 95:1	72:21
73:4,10,	51:21	93:12,13	103:20	99:16
13,18,22	52:11,14	94:1,2	104:21	<b>standard</b>
74:1,11,	54:20	97:22	105:4,25	5:12 39:8
18,19,24	55:3	99:20	106:17	<b>stands</b>
75:15,19,	56:24	100:7	107:2,6,	48:5,8,10
22 76:1,7	59:4,12	102:12	21 108:17	<b>start</b>
95:17	62:2,9	103:15	109:10	8:14
113:4,8,	67:6	107:10	114:16	29:22
	69:11	108:10,17	115:1,11,	30:18
	72:23	111:17,19	16 122:3,	
		112:18	10,17	

77:1	119:14,15	74:25	<b>stores</b>	113:17
78:20	<b>statement</b>	85:19,24	47:9,10,	116:6
<b>started</b>	35:17	87:3,25	14,15,20,	119:14
23:10	48:15,19	88:1	22,24	123:1,2
24:24	86:4,6,	132:9,13,	48:2	124:9,21
25:5	10,13,16,	15	51:24	125:13
27:2,9,14	20,25	<b>station</b>	52:10,15	126:3
28:2,20	87:5,8,	96:17	54:21	<b>subbrands</b>
29:19	11,22	98:8	55:4	34:5
30:1,5,19	88:2,8,12	<b>stations</b>	56:25	<b>subject</b>
31:20,24	129:11,18	47:6,9,20	59:5,13	10:14
32:12,16,	132:6	96:19	62:3,10	19:20
20 73:14	<b>statements</b>	98:16,19,	67:6	<b>submitted</b>
85:6	15:15	22 99:1	74:25	6:20 8:5,
<b>starting</b>	22:12	<b>statistics</b>	91:19,20,	6 14:14
25:25	34:22	75:6,11	21,24	42:21
30:11	35:1	<b>status</b>	99:4,8	43:2,8,
42:4,9	36:19	27:7	<b>stretch</b>	14,21
73:18	37:17	<b>Steven</b>	128:1	<b>suggest</b>
<b>state</b>	38:7	5:2,9	<b>strict</b>	13:3 50:3
5:7 22:11	80:21	12:15	85:20	<b>suggested</b>
33:20	81:1,9,13	<b>sticker</b>	86:9,19	35:24
41:2	83:14,20	57:17,20	<b>strike</b>	39:5
46:11,14	84:1,5,8	66:2,7,	18:2 27:3	49:19,24
48:6,16	85:10	10,12,16,	29:7	72:19
49:18	119:18,22	21	32:10	73:3,7,
52:25	120:4,8,	<b>stop</b>	37:24	21,25
55:6	12	120:24	38:20	74:21
57:2,7	<b>states</b>	<b>stopped</b>	40:10	116:18
59:15	14:20	78:7	42:2 45:2	117:11,20
60:10	46:12,17,	<b>store</b>	47:4	118:4,17
62:12	20,23	48:11	48:23	130:8,15,
64:15,18,	48:7,16	85:25	51:9	23
21 65:14	51:25	87:4	55:12	<b>supervisor</b>
70:24	52:10,15	93:3,4	57:3,4	21:24,25
72:8,22	53:5	96:14,21,	60:15	<b>support</b>
76:14,20	54:21	24 97:7,	61:25	37:4
85:17	55:4,15	13,17,21	63:15	<b>supposed</b>
86:2	56:25	98:1	66:2	11:23
87:14,20	59:5,13,	99:12	74:18	<b>survey</b>
88:18,21	20 60:17	103:2	85:1 86:5	86:11,12
89:5	62:3,10,	129:23,24	88:20	87:6
<b>stated</b>	20 65:12		101:8	88:2,3
10:2	67:7		102:3,4	
83:16	70:18		112:6	

<b>Swedish</b>	20:17	<b>testimony</b>	14 117:1	40:14,22
45:20,24	86:23	6:9,10,	129:14,18	119:15
46:7	105:1	19,20,23	130:1	129:19
80:6,9	108:19	8:24 9:9		131:25
	122:11	12:17	<b>tins</b>	
<b>Sweet</b>	123:10,11	14:16	70:15	<b>today's</b>
20:4		18:24	129:6,7	6:2 8:8
	<b>tandem</b>	19:12,14		47:13
<b>Sweets</b>	127:22	20:10,18,	<b>title</b>	
47:2		21 21:11	23:18	<b>told</b>
<b>Swisher</b>	<b>Tarr</b>	43:2,14	25:10,18	121:16
47:1	22:1 23:5	119:16	27:17	<b>top</b>
	28:1,2,5	128:22	28:8	9:13
<b>switch</b>	29:8,14,	130:17	30:22	14:18
22:20	17		31:4,5	47:3
			32:14	133:19
<b>sworn</b>	<b>Tarr's</b>	<b>thereto</b>	38:2,3	
5:3	28:19	8:10	84:21	<b>trademark</b>
	<b>taxes</b>	<b>things</b>		6:11,20
<b>T</b>	75:8	7:1	<b>tobacco</b>	7:18
	<b>telephone</b>	<b>thoughts</b>	5:25 33:9	14:15
<b>T-A-B-A-C-O</b>	15:25	15:15	46:7	20:6
65:19	<b>ten</b>	17:24	70:19	42:1,24
<b>T-A-R-R</b>	16:14	20:23	71:3,10,	43:5,11,
22:1	69:11	21:13	17,18,19,	17,24
	72:15,23		21 77:13	44:4,10
<b>Tabaco</b>	89:10,20	<b>time</b>	78:5,17	119:3,4
6:12,17	90:2,25	8:19 9:1	79:1,8,17	127:9,14
65:11,19	99:24	18:5,11,	80:3,9,13	132:10,14
67:3	117:1	20 23:7	129:23	
126:24	129:8	24:14	<b>tobacconist</b>	<b>transcribe</b>
		27:1,2	129:22	9:25
<b>table</b>	<b>ten-count</b>	32:7 34:3		<b>transcript</b>
75:18	66:5	35:5	<b>today</b>	7:13,20
<b>takes</b>	<b>tenth</b>	45:25	5:15 6:8,	
9:5	70:8	46:1,4	24 8:3,25	<b>treatment</b>
		58:17	9:21	127:15
<b>taking</b>	<b>term</b>	70:3 73:7	10:8,12,	<b>trial</b>
10:10	121:9	81:19	16 11:16	6:9,10,
<b>talk</b>	<b>testified</b>	93:8	12:9	11,20,21
105:2	5:3 80:18	109:16	13:18	7:19 8:6,
	106:9	131:8,15	18:24	24 12:17
<b>talked</b>	130:20		19:12,14	14:15,16
91:24		<b>times</b>	20:11,18,	19:19,21
108:15	<b>testify</b>	35:1	22 21:12,	128:1
123:18	10:8,11,	<b>tin</b>	20,23	
124:3,25	15 21:20,	70:9,11,	22:9	<b>trouble</b>
<b>talking</b>	22 22:9	23 72:9,	36:17	37:11

<b>true</b>	46:8 70:8	46:12,17,	<b>versus</b>	23:5
14:20,22	75:3	19,22	6:13	27:14,22,
15:4	85:14	48:16		25
50:15	116:15	51:25	<b>Vice</b>	
51:20	118:20	52:10,15	27:19	<b>Willner's</b>
52:9,13		54:21	28:9 32:5	27:17
53:21	<b>typical</b>	55:4		
54:19	105:19,23	56:25	<b>Virginia</b>	<b>Wilson</b>
55:2	106:9	59:5,13	92:18,24	23:5
56:5,23	<b>typically</b>	62:3,10	93:5	29:18,19,
58:8,18	47:21	65:12	102:20,	22 30:19
59:3,11	49:3	67:7	22,23	31:13,16
61:9,18	104:15	74:25	<b>visited</b>	<b>Wilson's</b>
62:1,8	106:18	85:19,23	52:9	29:25
63:17	109:17	87:2,25		30:3,10
64:2 67:5		88:1	<b>W</b>	<b>window</b>
68:3,14	<b>U</b>	132:9,13,		11:4
69:18		15	<b>waiving</b>	<b>wishes</b>
70:4		<b>units</b>	120:25	51:3
74:17,19	<b>U.S.</b>	75:21,25	134:22	129:22
117:17	85:18,24,	76:6	<b>Washington</b>	<b>women</b>
118:14	25 86:5,		92:18,20	123:21,25
	7,8,17,18	<b>University</b>		124:2,6
<b>truthfully</b>	87:1,3,4,	76:21	<b>website</b>	
10:8,12,	15,18,19,	77:6,20,	126:21	<b>word</b>
16	23 88:19,	22	133:22	52:19
	23 119:2			62:22
<b>TTAB</b>		<b>unmute</b>	<b>week</b>	
13:15	<b>uh-huhs</b>	18:17	106:21	<b>words</b>
127:7	10:4			65:8
		<b>usage</b>	<b>West</b>	66:22,25
<b>TTABVUE</b>	<b>uh-uhs</b>	105:2	77:25	
127:5,16,	10:4		78:1,4,7,	<b>work</b>
23		<b>USPTO</b>	10	13:3 25:7
	<b>understand</b>	126:21		37:25
<b>TTBA</b>	7:25		<b>White</b>	77:9,12,
7:18	14:13	<b>V</b>	47:2	15 78:1,
	47:16			4,8,13,
<b>tube</b>	91:7	<b>variety</b>	<b>wide</b>	16,22,25
51:17,21	126:12,23	122:12	122:12	79:6,8,
52:1,6,14				13,16,24
54:16,20,	<b>understood</b>	<b>Vega</b>	<b>William</b>	80:2,8,19
24 55:3	126:16	47:2	76:15	88:23
56:24	127:9		77:2,5	
59:1,4,8,		<b>version</b>	<b>Williams</b>	
12 61:22	<b>unit</b>	12:15	35:7	<b>worked</b>
62:2,6,9	49:3,4		37:2,14	15:1
	<b>United</b>	<b>versions</b>		23:19,22
<b>turn</b>	14:20	13:12	<b>Willner</b>	45:20
13:25				

77:7,24	104:13,25
79:4,10	105:9,13,
80:8,23	17,21
	108:9
<b>working</b>	115:3
18:5,11,	124:6,17
15,16,21	125:9,17,
23:10,12	23 126:6
25:5	
27:15	<b>year-by-</b>
28:2,5	<b>year</b>
29:19,22	74:15
31:21	
78:7,20	<b>years</b>
79:3,10	28:24
80:5	36:5 46:6
82:17,22	73:11,23
83:1,5	77:15
84:25	82:3
85:3,6	117:9,13,
	18,21
<b>write</b>	118:2,5,
14:25	8,12,15,
15:6,10	18
16:17	122:12,
39:18,21	13,15,20,
40:4,17	23 123:5,
80:21	9,12,16,
83:19	18 126:6
<b>written</b>	<b>yeses</b>
91:15	10:4
<b>wrote</b>	<b>York</b>
15:12	20:5
	42:23
	43:4,10,
<b>y</b>	16,22
	44:9
<b>year</b>	
23:16	
73:14	<b>z</b>
74:8	
76:4,12,	<b>Zoom</b>
18,24	9:9 10:25
79:22	
93:11,17,	
21 97:22	
98:3	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----X  
EMPRESA CUBANA DEL TABACO, d.b.a. :  
CUBATABACO, :  
 :  
Petitioner, :  
 :  
v. :  
 :  
GENERAL CIGAR CO., INC. and CULBRO :  
CORP., :  
 :  
Respondents. :  
-----X

Cancellation No. 92025859

**Petitioner's**

**Exhibit 1**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.  
General Cigar Co., Inc.  
and Culbro Corp.

**NOTICE OF ELECTION TO ORALLY CROSS-EXAMINE**  
**STEVEN ABBOT**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT pursuant to TBMP 703.01(e) and 37 C.F.R. § 2.123(a)(1), Petitioner, Empresa Cubana del Tabaco d.b.a. Cubatabaco ("Cubatabaco"), by and through its undersigned counsel, hereby provides notice of election to orally cross-examine Steven Abbot via video conferencing commencing at 10:00am on a date to be determined by mutual agreement between the parties on or before December 18, 2020, as provided by the Board's current schedule. 252 TTABVUE. The cross-examination will be taken before an officer authorized by law to administer oaths and recorded using audiotape and/or

stenographic means.

Dated: October 15, 2020

Respectfully submitted,

/Lindsey Frank/

---

Michael Krinsky

David B. Goldstein

Lindsey Frank

RABINOWITZ, BOUDIN, STANDARD,

KRINSKY & LIEBERMAN, P.C.

14 Wall Street, 30<sup>th</sup> Floor

New York, New York 10005

(212) 254-1111

[lfrank@rbskl.com](mailto:lfrank@rbskl.com)

*Attorneys for Petitioner Empresa Cubana del  
Tabaco d.b.a. Cubatabaco*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was sent to the individual(s) listed below *via* electronic mail this 15<sup>th</sup> day of October, 2020:

Andrew L. Deutsch  
DLA Piper US LLP  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 335-4673  
[andrew.deutsch@dlapiper.com](mailto:andrew.deutsch@dlapiper.com)

/Lindsey Frank/  

---



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

----- X  
EMPRESA CUBANA DEL TABACO, d.b.a. :  
CUBATABACO, :  
 :  
Petitioner, :  
 :  
v. :  
GENERAL CIGAR CO., INC., :  
 :  
Respondent. :  
 :  
----- X

Cancellation No. 92025859

**Petitioner's**

**Exhibit 2**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.  
General Cigar Co., Inc.  
and Culbro Corp.

**DECLARATION OF STEVEN ABBOT**

STEVEN ABBOT declares under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am currently Senior Brand Manager of Respondent General Cigar Co., Inc. (“Respondent” or “General Cigar”), responsible for General Cigar’s Macanudo and La Gloria Cubana cigar brands. From April 2014 through September 2016, I was Senior Brand Manager responsible for, among other products, the General Cigar COHIBA cigar brand (“COHIBA”).

2. After September 2016 and through the date of this Declaration, I have continued to be very familiar with General Cigar’s marketing, advertising and brand planning for COHIBA cigars, as the General Cigar marketing department is relatively small and Senior Brand Managers for all of the General Cigar brands, including COHIBA, frequently meet and consult with each other to discuss aspects of our work.

3. After September 2016, I consulted frequently with my successor as Senior Brand managers for COHIBA, Andres Maturen-Maal. Mr. Maturen-Maal succeeded me as Senior Brand Manager for COHIBA in 2016 and held that position until July 2019, when he left General Cigar to join Nestle’s marketing department. In September 2019, Matt Wilson assumed the role as Senior Brand Manager for COHIBA, and continues to hold the position today. I have also frequently consulted with Mr. Wilson since he joined the company.

4. In addition to these consultations, I frequently review General Cigar’s internal marketing documents for COHIBA, including the documents and data referenced below and attached as Annexes to this Declaration. From my experience with General Cigar since joining the company, I personally know that these documents were created at General Cigar contemporaneously with the events discussed in the documents, by persons with knowledge of the

matters discussed in the documents. The documents are kept in the regular course of General Cigar's business, and have been made and maintained as a regular practice of General Cigar.

5. I also have knowledge about the status and marketing of COHIBA prior to my joining the company. When I joined the company in April 2014, I was informed about COHIBA's history, market position and marketing initiatives by Augustin Martinez (then Director of Brand Marketing for General Cigar), Alan Willner (then Vice President of Marketing for General Cigar), Ed Lahmann (then Associate Brand Manager for General Cigar), and Gene Richter (then and currently Vice President of Sales for General Cigar).

6. From my years of experience working for General Cigar and meeting with cigar merchants and consumers, I also have personal knowledge about the U.S. cigar market, including brands of cigars sold on that market, segmentation of the market into premium and non-premium categories, the marketing and brand images of cigars in the U.S., and the sources of information about cigars that are available to consumers.

7. The statements made in this declaration are based on my personal knowledge, including the above-mentioned experiences, my discussions with other marketing personnel of General Cigar, and review of General Cigar's regularly maintained business documents. I have also reviewed the history of General Cigar's ownership, registration and use of the COHIBA mark prior to my joining the company, as set forth in opinions by the federal courts in litigation between General Cigar and Petitioner Empresa Cubana del Tabaco ("Cubatabaco").

8. As explained below, I know of no evidence indicating that General Cigar's use of the COHIBA mark has confused, or is likely to confuse, potential consumers of U.S. premium cigars into believing that the General Cigar COHIBA cigar originates in Cuba or is made or approved in some form by Cubatabaco, a Cuban state enterprise. The facts indisputably show that:

- a. The General Cigar COHIBA cigar is not made from Cuban tobacco, but from tobacco that originates in a variety of non-Cuban countries.
- b. General Cigar has sold a COHIBA-branded cigar since 1978 (with a hiatus, explained below, from 1982 to 1987). It has actively promoted and advertised its COHIBA cigar as a premium/super-premium cigar to U.S. cigar consumers for many years.
- c. General Cigar does not promote or advertise the COHIBA cigar to consumers as originating in Cuba or, indeed, as having any connection to Cuba other than that certain COHIBA sub-brands are “Cuban seed,” meaning that the cigars use varieties of tobacco that were originally developed in Cuba.
- d. U.S. consumers of premium cigars are well aware that since 1962, the U.S. Government has imposed a strict embargo on commercial importation and sale of Cuban-origin goods. As a result, they are aware that no Cuban cigar may be commercially sold in the United States, and that any cigar they buy from a U.S. cigar store or a U.S. cigar Internet or mail-order merchant is not a Cuban cigar.
- e. The General Cigar COHIBA is an expensive cigar. Full-size COHIBA cigars, the form in which most U.S. cigar smokers consume COHIBA brand products, range from a suggested retail price of \$9.89 to \$90.00, depending on the size of the cigar. Small COHIBA cigars are also sold in packages of six or ten, ranging in suggested retail price from \$19.99 to \$23.99. I understand from discussions with cigar merchants that this pricing places

the COHIBA cigar at well above the mid-point price of premium cigars sold in the U.S. market. As a result, U.S. consumers do not buy a COHIBA cigar on impulse or without considering the purchase and other cigar options before parting with their money. They are thus unlikely to be confused into thinking, before making a decision to buy a General Cigar COHIBA, that the cigar originates in Cuba or is sponsored or approved by a Cuban cigar maker.

- f. While Cubatabaco manufactures and, through Habanos S.A., sells, a “Cohiba” cigar in countries outside of the United States, that cigar has never been legally sold in the United States due to the embargo. Indeed, I understand that it violates the embargo for Cubatabaco to advertise or promote its “Cohiba” cigar in the United States. To my knowledge no advertising for the Cuban “Cohiba” cigar has been carried in any U.S. publication.
- g. While there are reports and reviews in U.S. cigar publications of the Cuban “Cohiba” cigar, U.S. premium cigar consumers are well aware that this is a different cigar from the COHIBA sold by General Cigar in the U.S., and that they cannot buy this “Cohiba” in the U.S. Indeed, the reports and reviews often note these facts and state that the reviewer consumed the Cuban cigars in foreign countries or bought them in a foreign country and brought them into the U.S. as personal baggage. In fact, the U.S. government has recently banned even importation of Cuban cigars into the U.S. for personal use.

- h. For more than fifty years, there have been many “parallel” brands of cigars, in which one manufacturer uses a brand on non-Cuban-origin tobacco cigars sold only in the U.S., and an unrelated manufacturer uses the same brand on Cuban-origin tobacco cigars sold exclusively outside the U.S. COHIBA is one of these parallel brands. As a result of this long-standing parallel brands practice, which is often pointed out in many publications and websites directed to cigar smokers, generations of cigar consumers have learned that the non-Cuban branded cigars they can buy at their local cigar store or from U.S. Internet sellers do not have the same origin as the Cuban cigars, sold under the same brand, that they may read about.
- i. It is my understanding that Cubatabaco’s trial briefing may cite to a small number of internal General Cigar planning documents, never released to the public, that discuss possible consumer association between Cuba and certain General Cigar cigars, including the COHIBA. However, this does not evidence that any consumer confusion is likely to arise from General Cigar’s use of its COHIBA registered trademarks. Cigars originated in the Caribbean, and Cuban companies were well-known as manufacturers of cigars sold in the U.S. throughout the 19th and part of the 20th centuries. This history is often discussed in publications directed at cigar consumers. Even today, after more than fifty years of embargo, this history leads consumers to make some association between cigars as a general product and Cuba no matter where the cigars originate. In recognition of this long-standing association between cigars and Cuba, many U.S. cigar

manufacturers sell cigars in the U.S. under brands that clearly mention Cuba or Havana, even though many of the brands have no connection whatsoever with Cuba.

- j. There is also no evidence of any harm to the reputation of the Cuban-origin “Cohiba” sold by Cubatabaco as a result of General Cigar’s sale of the COHIBA cigar in the U.S. General Cigar COHIBA cigars are of equal to or better quality than the Cuban “Cohiba” cigar.
- k. I am not aware of any actual confusion among consumers created by General Cigar’s use of its registered COHIBA trademarks.

#### My Background

9. My background and employment history is as follows: I received a Bachelor of Business from William and Mary College and a Master’s degree in business from the University of Oregon. After working at Arthur Andersen as an auditor, I obtained my MBA. I then worked at West Ridge Designs, McKenzie Kids, Fruit of the Loom, Heinz and Del Monte Foods, and my responsibilities at all of those companies involved marketing of the companies’ products.

10. I joined Swedish Match in 2006. From 2006 through 2013, I worked as Senior Brand Manager for various smokeless tobacco products sold by Swedish Match. My responsibilities were exclusively in marketing.

11. In 2014, I became Senior Brand Manager at General Cigar, responsible for the marketing of General Cigar’s Dominican brands, which included COHIBA, Partagas, La Gloria Cubana and Dunhill. I held that position until September 2016, at which point I became Senior Brand Manager responsible for the marketing of General Cigar’s Macanudo and La Gloria Cubana brands, a position I continue to hold.

### The General Cigar COHIBA Cigar

12. General Cigar is one of the world's largest manufacturers and marketers of premium cigars and the largest manufacturer of cigars for the premium cigar market in the United States. Its products are sold throughout the United States, Puerto Rico, and U.S. territories. General Cigar is a wholly-owned subsidiary of Scandinavian Tobacco Group.

13. A cigar consists of "filler" tobacco bound together with "binder" tobacco, which is then wrapped in a tobacco leaf, known as "wrapper" tobacco. Cigars are usually categorized as hand-made or hand-rolled on the one hand, or machine-made on the other. Premium cigars are hand-rolled cigars made of high-quality filler and wrapper tobacco. Typically, the filler in a premium cigar is "long-leaf," meaning strips of tobacco the same length as the cigar itself, whereas a machine-made cigar typically uses shredded, lesser quality tobacco as filler.

14. General Cigar's COHIBA cigars are all hand-rolled and use premium long-leaf tobaccos as filler.

15. Premium cigars are prized among U.S. cigar consumers, who pay a substantially higher retail price for them. In the United States, the lowest-priced premium cigars are sold at retail at above \$4.00 per cigar. Many premium cigars are sold at retail at above \$10.00 per cigar.

16. Currently, the various COHIBA sub-brands sold by General Cigar (described in greater detail below) suggested retail from approximately \$9.89 to \$90.00 per full-size cigar, which is at the high end of all premium cigars sold in the U.S. market. Even the least expensive COHIBA (the COHIBA Blue) is substantially more expensive than the average premium cigar. Attached as **Annex A** are price lists issued by General Cigar to cigar merchants, with suggested retail resale prices, for each of the COHIBA sub-brand cigars marketed between 2015 through 2020.



17. Currently, General Cigar sells the following COHIBA sub-brand cigars:

- a. The sub-brand originally called just COHIBA is now generally called the COHIBA Red Dot. This refers to the long standing graphic COHIBA mark, used on all COHIBA subbrands, in which the central space of the letter “O” is filled in red:



- b. Attached as **Annex B** are photographs of the current configuration of the COHIBA Red Dot cigar, cigar tube, five-count carton, box, and box bottom showing the origin. The COHIBA Red Dot is hand-made in the Dominican Republic and uses Dominican filler tobacco. The legend of origin on the cigar band is “Republica Dominicana” and the box legend of origin is “Handmade by General Cigar Company in the Dominican Republic.” Currently, the COHIBA Red Dot is offered in eight different large sizes and two miniature sizes. In addition, as discussed below, there is a miniature version of the COHIBA Red Dot cigar.
- c. COHIBA Black is also made in the Dominican Republic with Dominican filler tobacco, with a darker wrapper and stronger flavor than the COHIBA Red Dot. Attached as **Annex C** are photographs of the current configuration of the COHIBA Black cigar, cigar tube, box, and box bottom showing the

origin. The legend of origin on the cigar band is “Republica Dominicana” and on the cigar box is “Handmade by General Cigar Company in the Dominican Republic.” There are five large sizes and one miniature size of the COHIBA Black cigar.

- d. COHIBA Macassar, made in the Dominican Republic with Dominican and Nicaraguan filler tobacco, is a super-premium cigar that uses tobacco aged in rum barrels. Attached as **Annex D** are photographs of the current configuration of the COHIBA Macassar cigar, box, and box bottom showing the origin. The legend of origin on the box is “Handmade by General Cigar Company in the Dominican Republic.” There are three different sizes of the COHIBA Macassar cigar.
- e. COHIBA Nicaragua is made in Nicaragua with Nicaraguan filler tobacco. Attached as **Annex E** are photographs of the current configuration of the COHIBA Nicaragua cigar, cigar tube, box, and box bottom showing the origin. The COHIBA Nicaragua’s name indicates Nicaraguan origin. The legend of origin on the band is “Republica Nicaragua” and the box legend of origin is “Handmade in Esteli, Nicaragua.” There are four large sizes and one miniature size of the COHIBA Nicaragua cigar.
- f. COHIBA Luxury Selection is one of our highest-priced and rarest cigar, as we only produced approximately 2,000 ten-count boxes of this scarce, limited edition product in 2015 and 2016. It was made in the Dominican Republic with Dominican and Brazilian filler tobaccos. Attached as **Annex F** is a photograph of the COHIBA Luxury Collection cigar and cigar tube.

The COHIBA Luxury Selection cigar was also used in a limited edition 2018 holiday COHIBA Bespoke Collection box. The COHIBA Bespoke Collection box consisted of 3 COHIBA Luxury Selection cigars and a pair of cufflinks branded with the Red Dot logo. Only approximately 1,500 of these boxes were produced. Attached as **Annex G** is a photograph of the COHIBA Luxury Collection box. The COHIBA Luxury Selection is no longer being produced.

- g. COHIBA Blue is made in the Dominican Republic with Dominican, Nicaraguan, and Honduran filler tobacco, with a different taste profile and slightly lower retail price position than COHIBA Red Dot. Attached as **Annex H** are photographs of the current configuration of the COHIBA Blue cigar, cigar tube, box, and box bottom showing the origin. The legend of origin on the cigar band is “Republica Dominicana” and the legend of origin on the box is “Handmade by General Cigar Company in the Dominican Republic.” There are five large sizes and one miniature size of the COHIBA Blue cigar.
- h. COHIBA Royale started to ship to customers at the beginning of 2020. It is the most full-bodied blend in the portfolio and the first COHIBA cigar to be rolled in Honduras. The cigar blend has a Nicaraguan wrapper with additional tobaccos from Nicaragua, Honduras, and the Dominican Republic. There are three large sizes ranging in suggested retail price from \$23.99 to \$28.99 per cigar. **Annex I** are photographs of the current

configuration of the COHIBA Royale cigar, cigar tube, five-count carton, box, and box bottom showing the origin.

- i. COHIBA Connecticut was launched in March of 2019. It is the smoothest blend in the COHIBA cigars portfolio with a mellow to medium body. The blend has a Connecticut Shade wrapper from Ecuador with additional tobaccos from Mexico, Brazil, Nicaragua, and the Dominican Republic. It is rolled in the Dominican Republic. The blend is offered in four large cigar sizes with suggested retail prices between \$20.69 and \$22.79 per cigar.

**Annex J** are photographs of the current configuration of the COHIBA Connecticut cigar, cigar tube, five-count carton, box, and box bottom and carton sides showing the origin.

- j. COHIBA Silencio started in 2018 as an event-only cigar and was not sold at retail. In 2019, four COHIBA Silencio cigars were included in the COHIBA Sliding Humidor/Ashtray Gift Set. The suggested retail price for each cigar was \$70. These cigars are produced in the Dominican Republic and include Nicaraguan and Dominican filler tobacco.

- k. COHIBA Spectre is the highest priced, rarest cigar we produce. The COHIBA Spectre has been produced in two versions – one in 2018 and the other in 2019. In each year, only approximately 600 ten-count cigar boxes were made. In each year, the suggested retail price for a single cigar was \$90. In 2018, the COHIBA Spectre had Honduran, Nicaraguan, and Dominican filler tobacco and was sold in a unique, round, translucent plastic package. In 2019, the COHIBA Spectre had Brazilian and Nicaraguan

filler tobacco and was sold in a unique, rectangular, and translucent package. The cigars were manufactured in the Dominican Republic.

18. In addition, to reach the customer who wants a quicker smoking experience, General Cigar sells smaller versions of some of its branded cigars, including COHIBA cigars. It is common for cigar manufacturers to produce small cigar versions of their premium cigars. General Cigar manufactures COHIBA Red Dot Miniatures, sold in packages of ten cigars, and COHIBA Red Dot Pequeño, COHIBA Black Pequeño, COHIBA Blue Pequeño, and COHIBA Nicaragua Pequeño, sold in packages of six cigars. Price range for the small cigars are \$19.99 to \$23.99 per tin. Attached as **Annex K** are photographs of the current configuration of these small cigars and tin backs showing the origin.

19. Attached as **Annex L** are “sell sheets” prepared by General Cigar for the years 2015 through 2019, which were provided to retailer and distributor attendees at a major national trade show, the International Premium Cigar and Piper Retailers Association (now known as the Premium Cigar Association), and which describe the attributes of each COHIBA sub-brand while promoting sales to retailers.

20. In addition, a number of COHIBA sub-brands have been discontinued in recent years: (a) COHIBA XV (“Extra-Vigorous”) (launched in 2002, discontinued in 2017), (b) COHIBA PURO DOMINICANA (launched in 2008, discontinued in 2015), (c) COHIBA COMADOR (launched in 2013, discontinued in 2016), and (d) COHIBA EDICION DIAMANTE (launched in 2011, discontinued in 2013).

21. General Cigar sells COHIBA cigars to distributors and retailers who resell to consumers in the United States, Puerto Rico, the U.S. Virgin Islands, and Guam. It does not sell COHIBA cigars outside of that area.

### History of the General Cigar COHIBA Cigar

22. General Cigar began selling a COHIBA-branded cigar in small quantities in the U.S. in or about 1978, and began selling COHIBA-branded cigars in large quantities in or about 1982. The cigar was not of particularly high quality. However, there was a decline in U.S. cigar consumption starting in the 1960s, and continuing through the 1980s. Attached as **Annex M** is an article from the September/October 2012 issue of *Cigar Aficionado* magazine, entitled, “A Brief History of the Cigar Industry,” describing this decline and stating that as of 1992, “American cigar consumption was spiraling to all-time lows.” In 1987, in light of the adverse market conditions of the time, General Cigar decided to stop selling its then-current COHIBA cigar, and began to plan for a repositioning of the cigar as a premium product that would be one of General Cigar’s principal brands when the cigar market recovered, which was expected to be within the reasonably foreseeable future. The market did recover in the “cigar boom” of the 1990s, and General Cigar again began to sell COHIBA-branded cigars in November 1992.

23. In 1997, General Cigar introduced a repositioned, super-premium COHIBA cigar to the U.S. market, accompanied by over two million dollars in advertising and promotional expenditures. The relaunched COHIBA was a substantial success in the premium cigar category and has been one of General Cigar’s best-selling premium products since its relaunch.

24. The chart below shows General Cigar’s annual COHIBA sales to direct accounts, less FET tax and discounts:

Year	General Cigar COHIBA Sales
2007	\$ [REDACTED]
2008	\$ [REDACTED]
2009	\$ [REDACTED]

2010	\$ [REDACTED]
2011	\$ [REDACTED]
2012	\$ [REDACTED]
2013	\$ [REDACTED]
2014	\$ [REDACTED]
2015	\$ [REDACTED]
2016	\$ [REDACTED]
2017	\$ [REDACTED]
2018	\$ [REDACTED]
2019	\$ [REDACTED]

25. The total sales of General Cigar's COHIBA cigars to direct accounts from 2007 through 2019, less FET tax and discounts, is \$ [REDACTED].

Advertising and Promotion of the COHIBA Cigar

26. Since 2008 through 2019, General Cigar has invested over \$ [REDACTED] in advertising and promoting the COHIBA cigar and its sub-brands directly to U.S. cigar consumers, making it one of the most widely-advertised cigar brands in the United States. These expenditures include advertising in cigar magazines such as *Cigar Aficionado* and *Cigar Snob*, advertising in lifestyle magazines such as The Robb Report and Worth, digital advertising on cigar-oriented websites such as [www.halfwheel.com](http://www.halfwheel.com), featured stands and promotions at cigar expositions open to the public, sponsored receptions at events with high press coverage and influencer attendance, such as the Sundance Film Festival, sponsored events at well-known cigar lounges and cigar stores, and many other types of promotional events. A brand profit and loss statement showing total marketing spend on COHIBA between 2008-2019 is attached as **Annex N**.

27. General Cigar also uses the practice of “brand ambassadors” to promote its cigars. A brand ambassador is hired by a company to represent a brand in a positive light, thereby increasing brand awareness and sales among consumers, and becomes the “face” of the product to many consumers. In 2017, Sean Williams, a well-known African-American cigar maker, was hired to be brand ambassador for COHIBA. Since then, Mr. Williams has attended dozens of cigar events and expositions where he represents COHIBA to consumers and merchants and promotes its sale. Mr. Williams has also promoted COHIBA on numerous Internet video programs sponsored by cigar merchants and digital video advertising placed by General Cigar. He has also appeared as a guest on cigar-oriented podcasts.

28. Representative examples of print advertising for COHIBA and its sub-brands over the past 10 years are attached as **Annex O**.

29. Representative examples of digital advertising for COHIBA and its sub-brands over the past 6 years are attached as **Annex P**.

30. A representative list of events at which Sean Williams has appeared as COHIBA brand ambassador is attached as **Annex EE**.

The General Cigar COHIBA Consumer is a Careful Purchaser

31. As the manager who was charged with marketing the COHIBA cigar to U.S. consumers, and who continues to work in the marketing of premium cigars, and based on my many interactions with cigar consumers and retailers, I have concluded that the decision of a consumer to purchase COHIBA cigars is made carefully, not casually or without knowledge as to what is being bought. COHIBA is not an “impulse buy.” It is an expensive purchase for any consumer. As noted, the recommended retail price of our lowest-priced cigar, COHIBA Blue, is \$9.89. A consumer will consider purchasing a COHIBA cigar only when he or she wishes to enjoy a



luxurious, ultra-high-quality cigar. Thus, the potential purchaser of COHIBA cigars is generally a careful consumer who thinks about what he or she is about to buy before putting down cash or a credit card to purchase one or more than one COHIBA cigars.

32. General Cigar does not ship COHIBA cigars other than to wholesale distributors, retail cigar stores, and internet cigar merchants. In my experience, the vast majority of these cigars are sold to consumers either in retail cigar stores or via the Internet (in prior years, also via mail order). General Cigar does not control the resale of its cigars, so while it is not impossible that a COHIBA cigar will occasionally be sold to a consumer through a non-tobacconist outlet, in my experience that is quite uncommon.

33. There are many dozens of brands of cigars available to a consumer who enters a U.S. cigar shop or who shops for cigars on the Internet. The vast majority of these cigars are less expensive than the least expensive COHIBA cigar. The suggested retail price of the COHIBA cigars sold by General Cigar is at or near the highest end of the price range for handcrafted, premium cigars. Below is a table showing each COHIBA sub-brand (other than COHIBA Silencio and COHIBA Spectre) and the current range of suggested retail prices for individual cigars in the sub-brand. There is a range because the cigars vary in size, often called by its Spanish name “*vitola*,” and larger cigars generally retail for more than smaller cigars:

	<b>2020 Suggested Retail</b>
COHIBA Red Dot	\$12.99-\$23.59
COHIBA Black	\$17.59-\$24.99
COHIBA Macassar	\$27.29-\$31.49
COHIBA Nicaragua	\$12.99-\$23.79
COHIBA Blue	\$9.89-\$19.99

COHIBA Royale	\$23.99-\$28.99
COHIBA Connecticut	\$20.69-\$22.79

*See Annex A.*

General Cigar Makes No Claim That its COHIBA Cigar is Cuban or Has a Connection to Cuba

34. As shown in Annexes O and P, General Cigar has not and does not make any claim in advertising or promotion that its COHIBA cigar is of Cuban origin or has any historical or current connection with Cuba. The word Cuba, Cuban, or Havana never appears in COHIBA advertising or promotion, except for references to tobaccos used in certain COHIBA cigars as “Cuban seed.” Many cigars produced outside of Cuba use tobacco varieties that originated in Cuba and are advertised as containing Cuban seed tobacco. When geographic origin is mentioned in COHIBA advertising, it references either the source of the tobacco from Nicaragua or Honduras, or the manufacture of the cigars in the Dominican Republic.

35. General Cigar markets and positions its COHIBA in the United States premium cigar market as an ultra-luxury cigar, at the top end of the premium cigar spectrum. General Cigar’s COHIBA cigars are positioned as an “aspirational” brand for consumers, and General Cigar’s marketing materials and advertisements evoke the image of a luxury lifestyle through images of the cigar positioned alongside luxurious and expensive champagnes and spirits, enjoyed by individuals wearing expensive watches and well-tailored suits and clothing. These signifiers of a high-status lifestyle are emphasized by the tagline “Experience Luxury.” The images evoke the luxury lifestyle in the U.S. Printouts from the [www.cohiba.com](http://www.cohiba.com) website reflecting the luxury lifestyle and aspirational nature of the brand are attached as **Annex Q**.

The Unique United States Cigar Market and Consumer Awareness of “Parallel Brands” in the U.S. and Cuba

36. The cigar market in the U.S. is a unique product market, in that by law, cigars originating in Cuba may not be commercially sold anywhere in the U.S. The U.S. trade embargo, which prohibits commercial importation or sale of Cuban cigars, has been in effect since 1962, well over 50 years. Cuba is a large producer of cigars, but Cuban manufacturers cannot export those cigars to the U.S. and American merchants cannot sell them in this country. Indeed, I understand that Cuban manufacturers may not even buy advertisements for their cigar brands in U.S. publications. To my understanding, there have been no advertisements for the Cuban “Cohiba” cigar run in any United States general or cigar print publication since I began work with General Cigar. I believe there is no other consumer goods market in the U.S. in which goods from a major foreign producing country are comprehensively barred from sale or advertisement in this manner. In fact, the U.S. Department of the Treasury, Office of Foreign Assets Control, has just issued regulations prohibiting importation of Cuban cigars into the U.S. even for personal use. Attached as **Annex R** is a September 24, 2020 press release from this agency explaining the change and the new regulations, appearing at 85 Fed. Reg 60068-60072 (September 24, 2020).

37. The embargo on sale of Cuban cigars is also frequently mentioned in cigar magazines and blogs as a “fact of life” for U.S. cigar smokers. Attached as **Annex S** are representative examples of publications over the past 10 years which called the embargo to the attention of U.S. cigar smokers and reminded them that Cuban cigars cannot be legally purchased in the U.S. Given the long duration of the embargo, I do not believe there are any appreciable number of premium cigar smokers who are unaware that Cuban cigars are barred from sale in the United States, or who believe that cigars that can be commercially purchased in the United States either were made in Cuba or originate with or are approved by a Cuban manufacturer.

38. Another unique aspect of the U.S. cigar market is the existence of numerous “parallel brands,” which are brands of non-Cuban cigars sold in the U.S., for which a similar or identical brand of Cuban cigar exists that can be legally sold only outside of the U.S. This practice has been going on for over fifty years. COHIBA is one such parallel brand, as Cubatabaco manufactures a “Cohiba” cigar in Cuba, which is exported to and commercially sold exclusively outside of the U.S. There are many other parallel brands of cigars where a U.S. manufacturer sells non-Cuban-origin cigars under the brand in the U.S., while a Cuban-origin cigar originating with the Cuban state tobacco monopoly, using the same brand, is sold outside of the U.S. Such parallel brands include Montecristo, Partagas, Romeo y Julieta, Hoyo de Monterrey, H. Upmann, Punch, Bolivar, El Rey del Mundo, La Gloria Cubana, Ramon Allones, Saint Luis Rey, San Cristobal, Sancho Panza, Fonseca, Juan Lopez, Po Larranaga, Quintero, Rafael Gonzalez, and Trinidad.


39. U.S. cigar consumers have been aware for many years of the existence of parallel brands, and that the cigar brands they buy or see advertised in the United States have no current connection with the corresponding parallel brands used by the Cuban state tobacco monopoly for non-U.S. exports. The facts about parallel brands are frequently covered in cigar magazines and on-line publications read by U.S. cigar consumers. *See, e.g.,* <https://www.cigaraficionado.com/article/what-s-in-a-brand-name> (Jan./Feb. 2018), <https://www.bloomberg.com/news/features/2017-06-12/get-ready-for-the-cuban-cigar-wars> (June 2017), both of which mention COHIBA as one of the parallel brands. Copies of such articles published in recent years are attached as **Annex T**.

40. There are other points of distinction that inform U.S. consumers that the General Cigar COHIBA is not connected with Cubatabaco or the “Cohiba” cigar produced in Cuba. As the *Cigar Aficionado* article discussed above points out, certain U.S. “parallel brands” share the

same trade dress and logo with their Cuban counterparts. Examples of the U.S. and Cuban cigars of this nature are shown below.

United States cigars	Cuban cigars
	  

United States cigars	Cuban cigars
 	 
	

United States cigars	Cuban cigars
	

41. In fact, one cigar currently sold in the United States uses elements of the trade dress of the Cuban “Cohiba”: Cuban Rounds. Cuban Rounds can be purchased in the U.S. through [www.jrcigars.com](http://www.jrcigars.com), which, as noted below at Paragraphs 57 & 58, is owned by the same company that has owned a 50% interest in Habanos, S.A., the company co-owned by Cubatabaco and which has distributed the Cuban “Cohiba” outside of the U.S. Another major Internet Cigar retailer, Famous Smoke, states that Cuban Rounds have been sold in the U.S. since 2006. *See Annex U*, which is a copy of a page from the [www.famous-smoke.com](http://www.famous-smoke.com) website.






42. The cigar bands and boxes of the “Cuban Rounds” actually feature elements of the trade dress of the Cuban “Cohiba” cigar – specifically, use of a black-and-white checkerboard motif and the color yellow, as well as the words “Taste of Havana.” Shown below are side-by-side image comparisons of the Cuban Rounds cigar and cigar box and the cigar and band and box of the Cuban “Cohiba” cigar. The latter graphics are taken from the official Habanos website, [www.habanos.com](http://www.habanos.com).

Cuban Rounds cigar	Cuban “Cohiba” cigar
	
	

43. In contrast, General Cigar uses a distinctly different trade dress for its COHIBA cigar that is not used by Cubatabaco on its Cuban “Cohiba” cigar. Cuban “Cohiba” cigars use: (1) an “Indian head” logo; and (2) a trade dress and logo featuring the word “Cohiba” in black type against a white background, with a background motif consisting of a black-and-white “checkerboard” pattern above a bright yellow motif. In addition, Cuban “Cohiba” cigars prominently feature the “Habanos” sticker on the boxes in which they are packaged, and a band that states “Habana, Cuba.” None of these elements feature in the General Cigar COHIBA. To illustrate, below is a side-by-side graphic comparison of General Cigar’s COHIBA Red Dot cigar band and cigar box with the band and cigar box for a typical Cuban “Cohiba” cigar. The latter graphics are taken from the official Habanos website, [www.habanos.com](http://www.habanos.com).



General Cigar's COHIBA Red Dot cigar	Cuban "Cohiba" cigar
	

General Cigar's COHIBA Red Dot cigar	Cuban "Cohiba" cigar
 	  

44. Thus, the General Cigar COHIBA cigar sold by General Cigar to U.S. cigar consumers is distinctly different from, and not likely to be confused with, the "Cohiba" cigar manufactured in Cuba and sold exclusively outside of the U.S.

U.S. Cigar Consumers Are Also Aware of the Trademark Dispute Between General Cigar and Cubatabaco

45. Since the early 2000s, cigar consumers have also been informed by articles in the general and cigar-oriented media about the ongoing trademark litigation between General Cigar and Cubatabaco. This serves to further educate those consumers that the General Cigar COHIBA cigar sold in the U.S. is not connected in any way with Cubatabaco or the “Cohiba” cigar made by Cubatabaco and sold outside of the U.S. For example, the article titled “What’s In a Brand Name?” published in the January/February 2018 edition of *Cigar Aficionado*, which is available online at <https://www.cigaraficionado.com/article/what-s-in-a-brand-name>, and attached as part of Annex T, explains the facts in detail:

Part of the learning curve for newcomers to the cigar world is that even while they’ve diligently memorized names of classic Cuban cigars, when they see those brands displayed on a store shelf in the United States they are quite different animals made in a different location.

[...]

The story behind Cohiba’s Dominican-made U.S. counterpart differs from the rest of the parallel brands. Unlike most popular Cuban brands, Cohiba was created after the Revolution by the Castro government, so it was never seized from anyone. The disgruntled expatriates may have sought to reproduce their own family labels for the U.S. market, but they left Cohiba alone. Cohiba was not representative of their tobacco heritage, it was a symbol of the new regime. In the U.S., it belonged to no one.

General Cigar filed an application with the U.S. Patent and Trademark office in 1978 for the Cohiba mark. It was officially registered in 1981 and General began selling Dominican-made Cohibas in the U.S. in 1994. By 1997 General created what is known as the “red dot” Cohiba, with a logo featuring a red dot in the hole of the “O,” quite a different look from Cuba’s cigar. General didn’t buy the trademark from anyone and felt they didn’t have to. The Cuban government was outraged.

In response, Cuba sued over trademark infringement in January 1997. The case is officially known as *Empresa Cubana del Tabaco v. Culbro Corp.*, and Cohiba has been in litigation ever since. For 20 years the suit has gone back and forth in a legal

tug-of-war with wins and losses for both sides, not to mention millions of dollars spent on legal fees.

[...]

In the meantime, more than a half-dozen versions of Cohiba are made by General Cigar for the United States, and Cuba continues to come out with new varieties, including a 50th anniversary version created in 2016. The case of Cohiba v. Cohiba is still unresolved, with neither party backing down.

Attached as **Annex V** are additional articles that have appeared since 1995 in general and cigar-oriented print and electronic media that inform the public of the on-going trademark dispute between General Cigar and Cubatabaco.

General Cigar Does Not Misrepresent the Geographic Origin of Its Cigars to Consumers

46. Like many businesses that manage a large number of product brands, General Cigar engages in a yearly process that ultimately yields a brand plan that guides marketing and sales activities for the following year. I understand that Cubatabaco may argue that a few statements contained within General Cigar’s internal brand planning documents suggest that General Cigar has sought to associate its COHIBA cigar with the Cuban “Cohiba” cigar. This is simply not true.

47. First, General Cigar’s internal brand planning reflects an iterative process that occurs throughout the year. It is a form of give and take “brainstorming” that is ultimately refined into a brand plan to be approved by company management. Many of the creative ideas floated during this process fall away and are not part of the brand plan presented to management for its approval – and that is true of the few documents that Cubatabaco may cite: none of them were part of the brand plans presented to General Cigar’s management, much less the brand plans that management approved. It is only the approved brand plan that guides General Cigar’s marketing of its products for the upcoming year.

48. Attached as **Annex W** are General Cigar's final, management-approved brand plans for the years 2005-2019 (excluding 2007, 2009, & 2011). Each includes a separate section which is the brand plan for the COHIBA brand. None of these brand plans suggest any effort on General Cigar's part to make a connection between the COHIBA cigar and Cuba, much less the "Cohiba" cigar made in Cuba.

49. Second, neither the internal planning documents nor the brand plan itself are ever made public. As noted above, General Cigar's actual advertising and marketing does not mention Cuba or seek to evoke any association between the General Cigar COHIBA cigar and Cuba. Because General Cigar's brand planning documents are not known to the public, they do not and cannot have any impact on consumer impressions of the General Cigar COHIBA cigar.

50. Third, General Cigar consistently informs both consumers and merchants of the country of manufacturing origin of each cigar in General Cigar's COHIBA line, as well as the geographic origin of each tobacco used in COHIBA cigars. As noted above, the country of manufacturing origin appears on either the band, the box, or both, of every COHIBA cigar.

51. In addition, attached as **Annex X** are true and correct copies of press releases describing COHIBA brand cigars launched by General Cigar. Further, attached at Annex L are "Sell Sheets" that General Cigar has recently used in marketing its cigars to cigar merchants for each of the following sub-brands that are or have been offered within General Cigar's COHIBA cigar line: COHIBA RED DOT, COHIBA BLUE, COHIBA MACASSAR, COHIBA NICARAGUA, COHIBA BLACK, COHIBA ROYALE, and COHIBA CONNECTICUT. These state the correct country of manufacturing origin and country or countries where the tobacco used in the cigar was grown.

52. Similarly, General Cigar describes the non-Cuban origin of all of the cigars within its COHIBA cigar line accurately on its [www.cohiba.com](http://www.cohiba.com) website. Attached as **Annex Y** is a current printout of the relevant pages of that website. General Cigar does the same on its website [www.cigarworld.com](http://www.cigarworld.com) (the “Cigar World website”). General Cigar produces, updates and maintains the Cigar World Website in order to provide information to consumers about its products, including General Cigar’s COHIBA cigar, as well as about premium cigars generally. Attached as **Annex Z** are true and correct copies of printouts from the website [www.cigarworld.com](http://www.cigarworld.com) describing various sub-brands within General Cigar’s COHIBA brand cigars.

General U.S. Consumer Association of Cigars as a Product with Cuba

53. Cubatabaco may also reference documents within General Cigar’s internal brand planning process that refer to certain cigars as having “Cuban equities” or a “Cuban halo,” or a “Cuban brand association.” For example, one General Cigar brand planning document (not part of a final brand plan) discussed the “Cuban equities” of General Cigar’s Partagas brand. *See Annex AA*. These documents also have no influence on consumers, since they reflect internal impressions or discussions that are never made public. Moreover, such references simply acknowledge a fact that is beyond any cigar manufacturer’s ability to control or influence: the cigar-consuming public makes an association between Cuba and cigars as a product class, no matter where the cigars originate from.

54. Cigars as a commercial product originated in the Caribbean. Cuba was a well-known manufacturer of cigars sold in the U.S. throughout the 19th and 20th centuries, until the U.S. embargo against sales of Cuban cigars went into effect. Even today, this history leads many U.S. consumers to make an association between cigars as a general product and Cuba no matter

where the cigars originate. A good analogy is the U.S. market for wines: for historical reasons many wine consumers still associate wines with European countries even though now it is my understanding that more American-origin wine than European-origin wine is sold in the U.S.

55. Parallel brands, discussed above, reinforce the continuing general association between cigars and Cuba, even though the cigars are not made in Cuba. Indeed, reflecting this general association, many brands of non-Cuban cigars are sold in the United States under marks that reference Cuba or Havana, even though those brands have no known connection to either location.

56. As an example, the following brands listed on JR Cigars' webpage at [www.jrcigars.com/cigars](http://www.jrcigars.com/cigars), and which are currently offered for sale in the U.S., reference or evoke Cuba or Havana ("Habana" in Spanish, "Habano" meaning "from Havana"), even though, to the best of my knowledge, those brands were never made or sold in Cuba: (a) Red Label Habano; (b) CLE Chaparros Habano; (c) Cuba Aliados; (d) Cuban Aristocrat; (e) Cuban Rounds; (f) Cuban Twist; (g) Cubiche; (h) El Rico Habano; (i) Espinosa Habano; (j) Esteban Carreras Habano; (k) Gran Habano; (l) H.R. Habano; (m) Havana Honeys; (n) Herrera Esteli Habano; (o) Kristoff Habano; (p) La Aroma de Cuba; (q) La Estrella Cubana Habano; (r) La Galera Habano; (s) MBombay Habano; (t) Mi Cubano; (u) My Father Vegas Cubanas; (v) Oliveros Gran Retorno Habano; (w) PDR 1878 Cubano Especial; (x) PDR Small Batch Habano; (y) Raices Cubanas; (z) Rosa Cuba; (aa) Sabor Cubiche; (bb) Tatuaje Havana VI; and (cc) The Oscar Habano. Attached as **Annex BB** is a true and correct copy of a printout from the webpage at [www.jrcigars.com/cigars](http://www.jrcigars.com/cigars) dated September 21, 2020 showing each of the above-described cigar brands.

57. Although Petitioner Cubatabaco has no commercial operations in the U.S., it is certainly aware of this common use in the U.S. cigar market of marks incorporating Cuba or



Havana/Habano for cigars with no Cuban connection. Habanos S.A. (“Habanos”) is the entity that sells and markets Cubatabaco cigars, including the Cuban “Cohiba,” and Habanos is 50% owned by Cubatabaco. (141 & 142 TTABVUE 4, 24-25, ¶ 6 (Decl. of Lisset Fernandez Garcia (“Garcia Decl.”)).) In fact, the Cuban trial witnesses for Cubatabaco have all worked for Habanos or have been simultaneously employed by Cubatabaco and Habanos at relevant times. (See 139 & 140 TTABVUE 3-4, 25-27, ¶¶ 3-6 (Decl. of Enrique Babot Espinosa); 141 & 142 TTABVUE 2, 23, ¶ 3 (Garcia Decl.).)

58. As of April 2020, the other 50% owner of Habanos was a subsidiary of Imperial Brands, plc. At that time, Imperial Brands, plc, through another subsidiary, owned 100% of 800-JR-CIGAR, Inc., which does business as JR Cigars, and on the Internet as [www.jrcigars.com](http://www.jrcigars.com). JR Cigars is one of the largest internet retailer of cigars in the U.S. And, as shown above, JR Cigars retails many brands of non-Cuban cigars whose marks explicitly evoke Cuba or Havana, and even use a trade dress similar to that of the Cuban “Cohiba” cigar. Thus, any claim by Cubatabaco that General Cigar has sought to create an association with Cuba by use of the COHIBA brand is not only groundless, but also avoids the fact that in the U.S., an affiliate of Habanos, JR Cigars, has for many years been marketing parallel brands of cigars, and brands using the word “Cuba(n)” or “Havana/Habana” although having no historical connection to Cuba.

#### General Cigar’s COHIBA Cigars Are of High Quality

59. General Cigar’s COHIBA cigars are considered to be of high quality and comparable to the best of Cuban cigars. The General Cigar COHIBA has received numerous positive ratings and reviews from magazine and on-line cigar reviewers in the cigar press. Attached as **Annex CC** are numerous recent reviews of General Cigar COHIBA cigars.



60. It is difficult to compare premium cigars from different manufacturers, just as it is difficult to compare wines from different vineyards. Cigars are crafted to have different tastes, flavors, and to give different smoking experiences, and a single cigar may blend a number of tobaccos of different origin to yield the desired result. Moreover, just as with wines, perceived differences in the quality of top-level cigars is somewhat subjective and one reviewer may prefer a cigar which another does not. From the many reviews I have read, I have seen that reviewers find General Cigar COHIBA cigars to be of at least equal quality to the Cuban “Cohiba” cigar.

61. However, there has been increasing statements in the cigar press that Cuban premium cigars have been declining in quality. This appears to be the result of a number of factors: inability of Cuban producers to grow enough premium-quality tobacco to meet demand, poor tobacco harvests in some years, and retirement or death of experienced cigar rollers. Attached as **Annex DD** are recent articles reflecting these concerns as to the quality of Cuban cigars.

62. In short, the General Cigar COHIBA cigar is equal or better in quality than the Cuban “Cohiba” cigar.

#### Lack of Actual Confusion

63. In my marketing activities on behalf of General Cigar’s Cohiba cigar from 2014-2016, I met with hundreds of retailers of cigars and discussed the General Cigar Cohiba cigar. I do not recall any of those retailers expressing any confusion between the General Cigar COHIBA and the Cuba “Cohiba” cigar. I also do not recall any of those retailers informing me that any of the consumers with whom they interacted ever expressed any such confusion.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
September 29, 2020

A handwritten signature in black ink, appearing to read "Steve Abbot", positioned above a horizontal line.

STEVEN ABBOT

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I have caused to be served a true and correct copy of the foregoing **DECLARATION OF STEVEN ABBOT** by transmitting copies by email to  
Petitioner's counsel:

Michael R. Krinsky  
Lindsey Frank  
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.  
14 Wall Street, Suite 3002  
New York, NY 10005  
mkrinsky@rbskl.com  
lfrank@rbskl.com

*Attorneys for Petitioner  
Empresa Cubana del Tabaco d.b.a. Cubatabaco*

Date: September 29, 2020

/s/ Andrew L. Deutsch  
Andrew L. Deutsch  
*Attorney for Respondent  
General Cigar Co., Inc*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
	:	
-----	X	

<b>Petitioner's</b>
<b>Exhibit 3</b>
Cancellation No. 92025859
Empresa Cubana del
Tabaco d.b.a. Cubatabaco
v.
General Cigar Co., Inc.
and Culbro Corp.

Cancellation No. 92025859

Steven Abbot – Annex B

















**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO,	:	
	:	
Petitioner,	:	
	:	
v.	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
	:	
	X	

Cancellation No. 92025859

<b>Petitioner's</b>
<b>Exhibit 4</b>
Cancellation No. 92025859
Empresa Cubana del Tabaco d.b.a. Cubatabaco
v. General Cigar Co., Inc. and Culbro Corp.

Steven Abbot – Annex C









**25 Cigars**  
Handmade by General Cigar Company  
in the Dominican Republic  
**4DP**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO,	:	X
	:	
Petitioner,	:	
	:	
v.	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
	:	X

Cancellation No. 92025859

<b>Petitioner's</b>
<b>Exhibit 5</b>
<small>Cancellation No. 92025859</small>
<small>Empresa Cubana del</small> <b>Tabaco d.b.a. Cubatabaco</b>
<small>v.</small> <b>General Cigar Co., Inc. and Culbro Corp.</b>

Steven Abbot – Annex D



**WARNING: Cigars are not a safe alternative to cigarettes.**



THE PINNACLE OF LUXURY,  
**INSIDE AND OUT.**

**COHIBA®**



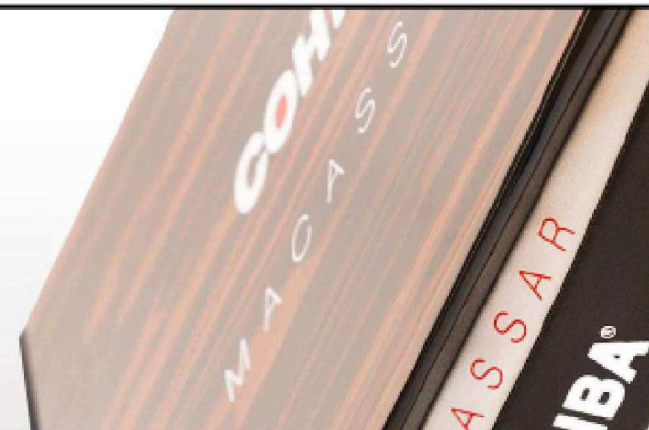


**WARNING: Cigars are not a safe alternative to cigarettes.**



THE PINNACLE OF LUXURY,  
**INSIDE AND OUT.**

**COHIBA®**







04678-COHN  
COH MACASSAR GIGANTE  
(8X60) BX 10



6 89674 09244 5

MACASSAR 10 CIGARS  
Product of Dominican Republic

**5DA**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO,	:	X
	:	
Petitioner,	:	
	:	
v.	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
	:	X

Cancellation No. 92025859

<b>Petitioner's</b>
<b>Exhibit 6</b>
<small>Cancellation No. 92025859</small>
<small>Empresa Cubana del</small>
<b>Tabaco d.b.a. Cubatabaco</b>
<small>v.</small>
<b>General Cigar Co., Inc. and Culbro Corp.</b>

Steven Abbot – Annex E















**16 Cigars**  
Handmade by General Cigar Company  
in the Dominican Republic

**4DO**

08398-COHN  
COHIBA NICARAGUA N6.5x54

16s



COH 16 CIGARS  
Product of Dominican Republic

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO,	:	X
	:	
Petitioner,	:	
	:	
v.	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
	:	X

Cancellation No. 92025859

<b>Petitioner's</b>  <b>Exhibit 7</b> <hr style="border: 0; border-top: 1px solid black; margin: 2px 0;"/> <small>Cancellation No. 92025859</small>
<small>Empresa Cubana del</small> <b>Tabaco d.b.a. Cubatabaco</b>
<small>v.</small> <b>General Cigar Co., Inc. and Culbro Corp.</b>

Steven Abbot – Annex H













**20 Cigars**  
Handmade by General Cigar Company  
in the Dominican Republic

**5DZ**

04551-COHC  
COH BLUE CLASICO (5.5x50)  
BX 20s



8887408073 1  
VALUE BRANDS 20 CIGARS  
Product of Dominican Republic



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
-----	X	

Cancellation No. 92025859

<b>Petitioner's</b>
<b>Exhibit 8</b>
<small>Cancellation No. 92025859</small>
<small>Empresa Cubana del</small>
Tabaco d.b.a. Cubatabaco
<small>v.</small>
General Cigar Co., Inc. and Culbro Corp.

Steven Abbot – Annex I









# COHIBA®

## ROYALE

Designed for those with extravagant tastes,  
Cohiba Royale is for the confident and  
unapologetic few who live fast and rise above  
the crowd. Boasting a Nicaraguan, Honduran  
and Dominican habano blend as powerful  
as the people who smoke it.

**Cohiba Royale is the epitomy of luxury.**

### WRAPPER

Nicaraguan Jalapa

### BINDER

Piloto Cubano

### FILLER

Nicaraguan Ligero, Dominican Ligero,  
& Honduran Viso

COHIBA.COM



5 Cigars  
Handmade by Honduras American Tabaco,  
S.A. in Honduras

*Sale only allowed in the United States*

06186

COHIBA ROYALE GRAN ROYALE 10'S



6 89674 10756 9

COHIBA ROYALE 10 CIGARS  
Product of Honduras

10 Cigars

Handmade by Honduras American Tabaco,  
S.A. In Honduras

5HU

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO,	:	X
	:	
Petitioner,	:	
	:	
v.	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
	:	X

Cancellation No. 92025859

<b>Petitioner's</b>
<b>Exhibit 9</b>
<small>Cancellation No. 92025859</small>
<small>Empresa Cubana del</small> <b>Tabaco d.b.a. Cubatabaco</b>
<small>v.</small> <b>General Cigar Co., Inc. and Culbro Corp.</b>

Steven Abbot – Annex J















# COHIBA®

## C O N N E C T I C U T

Luxury is more than a word,  
it is an experience. Cohiba Connecticut  
delivers a luxurious smoking experience  
like no other cigar. Constructed of  
the world's finest tobaccos,  
and rolled by true masters of the craft,  
Cohiba has once again risen the bar for luxury.

### 5DS

WRAPPER

Ecuadoran Connecticut Shade

**BINDER**

Mexican San Andres

**FILLER**

Brazilian Matafina, Dominican Olor,  
Nicaraguan Jalapa & Dominican Piloto Cubano

COHIBA.COM



**5 Cigars**

Handmade by General Cigar Company  
in the Dominican Republic



20 Cigars  
Handmade by General Cigar Company  
in the Dominican Republic

5DZ

04800-COHC  
COHIBA CONNECTICUT TORO  
(8.6x52), 20s



COHIBA CONNECTICUT 20 CIGARS  
Product of Dominican Republic

4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO,	:	X
	:	
Petitioner,	:	
	:	
v.	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
	:	X

Cancellation No. 92025859

<b>Petitioner's</b>
<b>Exhibit 10</b>
<small>Cancellation No. 92025859</small>
<small>Empresa Cubana del</small> <b>Tabaco d.b.a. Cubatabaco</b>
<small>v.</small> <b>General Cigar Co., Inc. and Culbro Corp.</b>

Steven Abbot – Annex K





**COHIBA®**

**B L U E**

PEQUEÑOS | SIX CIGARS

**WARNING: Cigar smoking  
can cause lung cancer  
and heart disease.**







**WARNING: Cigar smoking  
can cause cancers of the  
mouth and throat, even if  
you do not inhale.**



**WARNING: Cigar smoking  
can cause cancers of the  
mouth and throat, even if  
you do not inhale.**







**WARNING: Cigars are  
not a safe alternative  
to cigarettes.**

**6 Cigars**  
Handmade by General Cigar Company  
in the Dominican Republic

*Sale only allowed in the United States*







*Sale only allowed in the United States*

**10 Cigars**  
**Handmade by General Cigar Company**  
**in the Dominican Republic**



*Sale only allowed in the United States*

**6 Cigars**

Handmade by Scandinavian Tobacco Group  
Esteli, S.A. In Nicaragua

**WARNING: Cigar smoking  
can cause cancers of the  
mouth and throat, even if  
you do not inhale.**





*Sale only allowed in the United States*

**6 Cigars**

**Handmade by General Cigar Company  
in the Dominican Republic**

**WARNING: This product  
contains nicotine. Nicotine  
is an addictive chemical.**





*Sale only allowed in the United States*

**6 Cigars**

**Handmade by General Cigar Company  
in the Dominican Republic**

**WARNING: This product  
contains nicotine. Nicotine  
is an addictive chemical.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
CANCELLATION NO. 92025859

In the matter of Trademark Registration  
No. 1147309 for the mark COHIBA  
Date registered: February 17, 1981

-and-

In the matter of Trademark Registration  
No. 1898273 for the mark COHIBA  
Date registered: June 6, 1995

---

EMPRESA CUBANA DEL TABACO, d/b/a  
CUBATABACO,

Petitioner(s),

vs.

GENERAL CIGAR CO., INC., and  
CULBRO CORP.,

Respondent(s).

---

CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOCONFERENCE DEPOSITION OF

EUGENE PAUL RICHTER, III

NOVEMBER 24, 2020

REPORTED BY: Susan Ashe, CSR, RMR, CRR

ESQUIRE DEPOSITION SOLUTIONS, LLC

1384 Broadway - 22nd Floor

New York, New York 10018

(212) 687-2010

Job No. J6151445

1 Videoconference Deposition of:

2 EUGENE PAUL RICHTER, III

3 called for oral examination by counsel for  
4 Petitioner, pursuant to notice, via Zoom, all  
5 parties remote, before Susan Ashe, CSR, RMR, CRR,  
6 of Esquire Solutions, a Notary Public in and for  
7 the Commonwealth of Virginia; taken on Tuesday,  
8 November 24, 2020, beginning at 9:35 a.m., when  
9 were present on behalf of the respective parties:  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25



1 On behalf of Petitioner:

2 LINDSEY FRANK, ESQUIRE

3 Rabinowitz, Boudin, Standard, Krinsky &

4 Lieberman, P.C.

5 14 Wall Street, 30th Floor

6 New York, New York 10005

7 (212) 254-1111

8 lfrank@rbskl.com

9 (Via Videoconference)

10  
11  
12 On behalf of Respondent and the Witness:

13 JOHN NADING, ESQUIRE

14 JOSHUA SCHWARTZMAN, ESQUIRE

15 DLA Piper

16 500 8th Street, Northwest

17 Washington, D.C. 20004

18 (202) 799-4000

19 john.nading@dlapiper.com

20 joshua.schwartzman@dlapiper.com

21 (Via Videoconference)

22  
23  
24 ALSO PRESENT:

25 Eden Marley, DLA Piper

CONTENTS

EXAMINATION BY:	PAGE
MR. FRANK	5
MR. NADING	150

DEFENDANT DEPOSITION EXHIBITS

Richter

Exhibit 1	Notice of Election to Orally Cross-Examine Eugene Paul Richter, III	12
Exhibit 2	Declaration of Eugene Paul Richter, III	12
Exhibit 3	Declaration of Annalisa Martini No. 3, Annex 33	21
Exhibit 4	Declaration of Annalisa Martini No. 3, Annex 74-76	22
Exhibit 5	Declaration of Gerardo J. Ruiz, Annex 11 PDF	24
Exhibit 6	Annex A, Declaration of Eugene Paul Richter, III	92
Exhibit 7	November 2, 2017 Eugene Paul Richter, III Deposition Excerpts	132

(Exhibits attached to transcript.)

1 TUESDAY, NOVEMBER 24, 2020;

2 9:35 A.M.

3 --o0o--

4 All counsel present stipulate  
5 that the witness shall be sworn remotely  
6 by the court reporter.

7 \* \* \*

8 Whereupon,

9 EUGENE PAUL RICHTER, III  
10 having been first duly sworn, was examined  
11 and testified as follows:

12 CROSS-EXAMINATION

13 BY MR. FRANK:

14 Q May the witness please state your name  
15 for the record.

16 A Eugene Paul Richter, III.

17 Q Hello, Mr. Richter. My name is  
18 Lindsey Frank. I'm with the law firm of  
19 Rabinowitz, Boudin, Standard, Krinsky & Lieberman.  
20 We're counsel for the petitioner in this case.

21 Are you being represented here today  
22 by legal counsel?

23 A Yes, I am.

24 MR. FRANK: Counsel, could you please  
25 identify yourself for the record.

1 MR. NADING: Yes. This is John Nading  
2 of DLA Piper -- I'm joined by my colleague  
3 Joshua Schwartzman, as well as our colleague  
4 Eden Marley, who is auditing this deposition  
5 today -- on behalf of General Cigar.

6 MR. FRANK: Thank you.

7 BY MR. FRANK:

8 Q I want to give you a couple of  
9 introductory explanatory remarks before we go  
10 forward to describe what we're going to be doing  
11 here today.

12 First of all, today's testimony will  
13 be taken as trial testimony in a proceeding in the  
14 Trademark Trial and Appeal Board in a matter  
15 brought by Empresa Cubana Del Tabaco, d.b.a.  
16 Cubatabaco, versus General Cigar Co., Inc., Culbro  
17 Corporation.

18 Now, for ease of reference during the  
19 course of today's examination, I'm going to refer  
20 to Empresa Cubana Del Tabaco, d.b.a. Cubatabaco  
21 merely as "Cubatabaco," and I'll refer to General  
22 Cigar Co., Inc. as "General Cigar."

23 This testimony is going to be  
24 submitted as trial testimony in the Trademark  
25 Trial Appeal Board in a cancellation proceeding.

1           That's to say that today's testimony  
2       is testimony in court, as if it were a regular  
3       lawsuit before a judge.

4           If your legal counsel objects to  
5       anything I ask you, you still have to answer the  
6       question unless he directs you not to answer that  
7       question.

8           If your response contains sensitive  
9       information, your attorney can designate that  
10      portion, that information as confidential or  
11      confidential, attorneys' eyes only; but you still  
12      need to answer the question, again, unless your  
13      legal counsel directs you not to answer.

14          Now, it's very important that we get a  
15      clear record of today's proceeding so that the  
16      TTAB can see what's transpired today.

17          So that means the court reporter who's  
18      participating in today's examination has to hear  
19      everything that I say and everything that you say.

20          I'll do my best to keep my questions  
21      clear. If for some reason you don't understand a  
22      question, just tell me and I'll try to rephrase  
23      it.

24          I'll be showing you some documents  
25      which will be marked as exhibits. These documents

1     come from the declaration that has already been  
2     submitted by General Cigar during its trial period  
3     or from other documents that have been submitted  
4     as evidence in this proceeding.

5                 So the focus today will be on the  
6     examination of what you said in your declaration,  
7     as well as the exhibits that were attached  
8     thereto; and that will be the focus of what I'll  
9     be asking you.

10                It can be difficult; but if you can  
11     try to let me finish my question before you start  
12     your answer, I think that will help keep a clear  
13     record.

14                And if there's an objection, I'll try  
15     to stop to make sure that the objection can be  
16     phrased and entered into the record as well.

17                If you want a break at any time,  
18     please just let me know, and we can take a break.  
19     We can take as many breaks as you want.

20                You are not to consult with your legal  
21     counsel or anyone else, however, during your  
22     testimony, as this is trial testimony -- including  
23     during any breaks or during a lunch break.

24                The only time you should be consulting  
25     with your legal counsel is if there's a question



1 of privilege or some other reason why he is  
2 instructing you or may instruct you not to answer  
3 a question.

4 Now, normally this process takes place  
5 in person, in an office where we're all seated  
6 together. However, because of COVID-19, counsel  
7 for both parties have agreed to take the testimony  
8 remotely via Zoom, which is what we're doing right  
9 now.

10 Now, it's important for me to see you  
11 and to see what you're doing during this process.  
12 So it will be helpful for me to see as much of the  
13 top half of your body and what you're looking  
14 at -- mainly, just your head and your hands -- so  
15 I can see what you're looking at, if anything.

16 Now, is there anyone in the room with  
17 you here today, Mr. Richter?

18 A No. I'm the only one in the office.

19 Q Would you mind just scanning around  
20 the room you are in?

21 A I can only go so far because of the  
22 cord, but....

23 (Witness complies.)

24 Q Okay. Thank you.

25 MR. NADING: Counsel, can I interject

1           one minute? We've been going for a few  
2           minutes now.

3           The realtime is reflecting all of the  
4           past comments as my comments, so I just want  
5           to make sure that it's clear that that's  
6           Mr. Frank who's been speaking.

7           And I just wanted to get in an  
8           objection there, just to the extent that  
9           your comments about what the requirements  
10          are in a TTAB trial testimony and  
11          cross-examination are not consistent with  
12          what is required under the Federal Rules of  
13          Civil Procedure.

14          But I will leave it at that for now.

15          MR. FRANK: Thank you.

16          MR. NADING: Just to reiterate, and  
17          also pursuant to the Federal Rules of  
18          Evidence as well.

19          MR. FRANK: Thank you.

20 BY MR. FRANK:

21          Q        So I'll begin asking my questions.

22                  Again, Mr. Richter, it's important for  
23          the court reporter to transcribe my questions and  
24          your answers.

25                  So try not to answer by shaking your

1 head or saying things like "uh-huh" or "uh-uh."

2 "Yes" and "no" is the best way to go.

3 Is there any reason why you cannot  
4 testify truthfully here today?

5 A No.

6 Q Are you currently taking any  
7 medication which would affect your ability to  
8 testify fully and truthfully here today?

9 A No.

10 Q Are you currently subject to any  
11 medical condition that would affect your ability  
12 to testify truthfully and fully here today?

13 A No.

14 MR. FRANK: I am going to introduce as  
15 Exhibit 1 a document.

16 MR. NADING: Mr. Frank, do you want to  
17 keep it sequential numbering from  
18 Ms. Jaworski's cross-examination on Friday,  
19 or do you want to begin again?

20 It's your call.

21 MR. FRANK: I think we'll begin again.  
22 We'll mark this as Richter Exhibit 1.

23 THE WITNESS: Am I supposed to go to  
24 the chat? Is that where I'm supposed to go?

25 MR. FRANK: Could we go off the

record?

(Whereupon, a brief recess was taken.)

MR. FRANK: I'm going to mark as  
Exhibit 1 a Notice of Election to Orally  
Cross-Examine Eugene Paul Richter, III.

(Whereupon, Richter Exhibit 1 was  
marked for identification.)

BY MR. FRANK:

Q Mr. Richter, are you appearing here  
today pursuant to this notice?

A Yes.

MR. FRANK: Thank you.

I'm going to introduce another -- off  
the record.

(Whereupon, a brief recess was taken.)

MR. FRANK: We can go back on the  
record.

I'm going to introduce as Richter  
Exhibit 2 the Declaration of Eugene Paul  
Richter, III.

This is the declaration, without  
exhibits, that General Cigar has filed as  
trial testimony in this proceeding.

(Whereupon, Richter Exhibit 2 was  
marked for identification.)

1 MR. NADING: Mr. Frank, while  
2 Mr. Richter is looking at that, I just want  
3 to note for the record, this appears to be  
4 the confidential, filed under seal version.

5 So we will mark the transcript  
6 today -- what is it? -- confidential,  
7 attorneys' eyes only, trade  
8 secret/commercially sensitive, pursuant to  
9 the parties' protective order in this case.

10 MR. FRANK: Okay.

11 THE WITNESS: Mr. Frank, would there  
12 be any objection, since you put it up, if I  
13 just had a hard copy in my hands versus  
14 trying to scroll up and down?

15 MR. FRANK: Yeah. Do you have a hard  
16 copy?

17 THE WITNESS: I can go walk to my  
18 office and grab it.

19 MR. FRANK: Sure. Why don't we go off  
20 the record.

21 THE WITNESS: All right. I'll be  
22 right back.

23 (Whereupon, a brief recess was taken.)

24 BY MR. FRANK:

25 Q Mr. Richter, have you seen this

1 document before?

2 A Yes.

3 Q Can you please turn to the last page  
4 of the document. That's -- page 9 that would be.

5 Is that your signature on the bottom  
6 of page 9?

7 A Yes.

8 Q And when did you sign this document?

9 A 28th of September 2020.

10 Q And do you understand that this  
11 declaration is being submitted by General Cigar to  
12 the Trademark Trial and Appeal Board as your  
13 direct trial testimony in this proceeding?

14 A Yes.

15 Q And can you turn to the top of page 2.

16 MR. NADING: Counsel, what was that  
17 page?

18 MR. FRANK: Page 2.

19 Q On the top of page 2, you declare  
20 under penalty of perjury, under the laws of the  
21 United States of America, that the following is  
22 true and correct.

23 Now, is everything in your declaration  
24 true and correct?

25 A Yes.



1 Q Did you write all of your declaration?

2 MR. NADING: Object to the form of the  
3 question.

4 Q You can answer.

5 A Yes. I contributed to all the content  
6 within the document.

7 Q Did any lawyer for General Cigar write  
8 any part of your declaration?

9 A The content --

10 MR. NADING: Object to the form --  
11 excuse me, Mr. Richter.

12 Object to form of the question, and  
13 also object to the extent it would reveal  
14 any attorney-client privileged information.

15 But you may answer.

16 A The content in the document was  
17 provided by me.

18 Q And did any of the lawyers for General  
19 Cigar write any part of the declaration?

20 MR. NADING: Same objections.

21 A The content in the document was  
22 provided with me.

23 As you can see, the only way this  
24 information could become to life would be coming  
25 from me.

1 Q Was there ever a point at which a  
2 lawyer for General Cigar sent you a draft of this  
3 declaration?

4 MR. NADING: Object. Same objections.

5 A Yes. I received multiple drafts, and  
6 at my direction changes were made.

7 Q Did anyone other than yourself or a  
8 lawyer for General Cigar write any part of your  
9 declaration?

10 A Not that I'm aware of, no.

11 Q How much time did you spend working on  
12 your declaration before signing it?

13 A I couldn't give you an exact number of  
14 times or time and hours.

15 Q Was it more than one hour?

16 A Yes.

17 Q Was it more than 10 hours?

18 MR. NADING: Object to the form of the  
19 question.

20 A I would have to say less than  
21 10 hours.

22 Q Did you do anything to prepare for  
23 your testimony here today?

24 A I reread my transcripts from my  
25 previous depositions, I reread my declaration, and

1 I had several calls with counsel.

2 Q And how many calls with counsel did  
3 you have?

4 A Two.

5 Q And how long did each call last?

6 A Maybe hour and a half, two hours,  
7 three hours.

8 Q Each one?

9 A Yes.

10 Q Did you, in addition, meet physically  
11 with counsel for General Cigar?

12 A No. Pandemic has restricted travel.  
13 So everything was done video.

14 Q Did you meet with anyone else, other  
15 than your legal counsel, about your testimony here  
16 today?

17 A No, I did not.

18 Q In your telephone calls with legal  
19 counsel, did you review any documents?

20 MR. NADING: Object to the extent it  
21 would call the witness to reveal any  
22 attorney-client privileged information.

23 But you may answer.

24 A No, I did not.

25 Q In neither of the two telephone calls

1     you had legal counsel?

2                     MR. NADING:   Same objection.

3             A       Can you repeat the question, please?

4             Q       In neither of the two telephone calls  
5     you had legal counsel?

6             A       The only documents that we've reviewed  
7     was the declaration, since that was the basis of  
8     today's deposition.

9             Q       So you testified that you had two  
10    calls with legal counsel to prepare for your  
11    testimony here today, and the only document you  
12    reviewed was your declaration filed as trial  
13    testimony here today?

14            A       That's correct.

15            Q       Prior to your signing your  
16    declaration, did you review the Declaration of  
17    Susan Bailey that Cubatabaco has submitted as  
18    evidence in this proceeding?

19            A       No, I did not.

20            Q       Prior to your signing your  
21    declaration, did you review the description of  
22    General Cigar's Cohiba cigar on the website of any  
23    cigar retailer?

24                    MR. NADING:   Object to the form of the  
25     question.

1 A No, I did not.

2 Q Prior to your signing your  
3 declaration, did you review the Declaration of  
4 Annalisa Martini No. 2 that Cubatabaco has  
5 submitted as evidence in this proceeding?

6 A No, I do not. I don't know who that  
7 individual is.

8 Q Prior to your signing your  
9 declaration, did you review any Instagram user  
10 post tagging the General Cigar Cohiba Instagram  
11 account?

12 A I've looked at Sean Williams'  
13 Instagram account from time to time before this  
14 declaration.

15 I look at a lot of our Instagram  
16 accounts.

17 Q Did you look at any of the user posts  
18 tagging the General Cigar Cohiba Instagram  
19 account?

20 A I don't typically look at --  
21 MR. NADING: Object to form.  
22 Sorry, Mr. Richter.

23 Object to the form of the question.

24 A I don't typically look at user  
25 comments. I just scroll the front page.

1 Q Prior to your signing your  
2 declaration, did you review any Twitter user post  
3 mentioning the General Cigar Cohiba Twitter  
4 account?

5 A I'm not a big Twitter follower. I  
6 don't really go on Twitter.

7 Q So the answer would be no?

8 A The answer would be no.

9 Q Prior to signing your declaration, did  
10 you review any Facebook user posts tagging the  
11 General Cigar Cohiba Facebook account?

12 A Like Twitter, I'm not a big Facebook  
13 user at all. So the answer would be no.

14 Q Okay. Thank you.

15 Prior to signing your declaration, did  
16 you review the Declaration of Annalisa Martini  
17 No. 3 that Cubatabaco has submitted as evidence in  
18 this proceeding?

19 A No, I did not. I do not know who that  
20 individual is.

21 MR. FRANK: Okay. I'm going to upload  
22 a shared document. Let's go off record for  
23 a second.

24 (Whereupon, a brief recess was taken.)

25 MR. FRANK: I'm going to introduce as

1 Richter Exhibit 3 -- this is Annex 33 to the  
2 Declaration of Annalisa Martini No. 3 that  
3 Cubatabaco has submitted as evidence in this  
4 proceeding.

5 (Whereupon, Richter Exhibit 3 was  
6 marked for identification.)

7 MR. NADING: Counsel, I'm going to  
8 object, that this exhibit is outside the  
9 scope of Mr. Richter's trial declaration.

10 And furthermore, the witness just  
11 testified he didn't even know who this  
12 individual is. So I don't see how this is  
13 remotely relevant to his testimony here  
14 today.

15 MR. FRANK: I'm going to be asking him  
16 whether or not he's reviewed any of these  
17 articles before signing his declaration,  
18 which I'll do right now.

19 BY MR. FRANK:

20 Q Prior to your signing your  
21 declaration, did you review any of these articles  
22 that are contained in Annex 33 to the Declaration  
23 of Annalisa Martini No. 3?

24 MR. NADING: And I have the same  
25 objection.



1           A           Since I've never seen this declaration  
2 here and I don't know who this individual is, and  
3 I just quickly can look through here, I can say I  
4 have not seen these articles.

5                   MR. FRANK: Are you good?

6                   Off the record for a second.

7                   (Whereupon, a brief recess was taken.)

8                   MR. FRANK: I'm going to introduce as  
9 Richter Exhibit 4, Annexes 74 to 76 of the  
10 Declaration of Annalisa Martini No. 3 that  
11 Cubatabaco has submitted as evidence in this  
12 proceeding.

13                   (Whereupon, Richter Exhibit 4 was  
14 marked for identification.)

15 BY MR. FRANK:

16           Q           Are you able to open the document and  
17 review it, Mr. Richter?

18           A           I see the document, yes.

19                   MR. NADING: I also want to note an  
20 objection, much like the previous exhibit,  
21 that this is outside the scope of  
22 Mr. Richter's trial testimony, especially  
23 considering that he has now testified that  
24 he does not even know who Annalisa Martini  
25 is.

1                   And I also want to note for the record  
2                   that the previous exhibit was, I think, 40  
3                   pages. And so to be asking the witness to  
4                   review 40 pages of attachments in a minute,  
5                   I don't think is reasonable.

6 BY MR. FRANK:

7                   Q       Mr. Richter, you can take your time to  
8                   review Richter Exhibit No. 3, the articles. Take  
9                   as much time as you like.

10                   The question is whether or not you --  
11                   prior to signing your declaration, whether you  
12                   reviewed any of those articles.

13                   MR. NADING: And, same objection.

14                   MR. FRANK: I'd just have the record  
15                   note that Mr. Richter responded in the  
16                   amount of time that he needed to respond.

17                   A       I still don't know who this individual  
18                   is, and I've not seen the articles that were  
19                   referred to in it.

20                   Q       Thank you.

21                   Now take your time to review the  
22                   documents that I've just introduced as Richter  
23                   Exhibit 4.

24                   Prior to signing your declaration, did  
25                   you review any of these websites?

1 MR. NADING: Same objection. Outside  
2 the scope of this witness's declaration.

3 A The same answer: I don't know who  
4 this individual is; and no, I did not review any  
5 websites.

6 Q Thank you.

7 Prior to signing your declaration, did  
8 you review the Declaration of Gerardo J. Ruiz that  
9 Cubatabaco has submitted as evidence in this  
10 proceeding?

11 A Same statement as with the others: I  
12 do not know who that individual is; and no, I did  
13 not review any declarations.

14 MR. FRANK: I'm going to introduce as  
15 Richter Exhibit 5, Annex 11 to the  
16 Declaration of Gerardo J. Ruiz that  
17 Cubatabaco submitted as evidence in this  
18 proceeding.

19 (Whereupon, Richter Exhibit 5 was  
20 marked for identification.)

21 MR. FRANK: Are you able to download  
22 and view the document, Mr. Richter and  
23 Mr. Nading?

24 MR. NADING: Mr. Frank, as I'm trying  
25 to download this document, you're continuing

1 along this line.

2 You've shown the witness now two  
3 exhibits, I believe 3 and 4, Annalisa  
4 Martini, now Gerardo Ruiz, I believe. The  
5 witness has testified he doesn't know who  
6 these people are. This is way outside the  
7 scope of his trial testimony.

8 What is the basis you have that this  
9 is relevant to the cross-examination of  
10 Mr. Richter?

11 MR. FRANK: I'm trying to understand  
12 what the basis of the statements in his  
13 declaration are and what documents he's  
14 reviewed.

15 He said he has not reviewed the  
16 declarations, and now I'm asking about  
17 specific files that were submitted as part  
18 of those declarations.

19 You've noted your objection --

20 MR. NADING: But Counsel, I don't  
21 think this is remotely proper for you to be  
22 introducing exhibits that Cubatabaco has  
23 introduced at other points in time in the  
24 case that have nothing to do with  
25 Mr. Richter's trial testimony here, and

1 especially when he says he has no idea who  
2 these individuals even are.

3 And he's also told you what he  
4 reviewed in preparation for his declaration.

5 MR. FRANK: I want to make the record  
6 clear what he has not reviewed prior to  
7 formulating the statements that are included  
8 in his declaration.

9 MR. NADING: And I'll make the record  
10 clear --

11 MR. FRANK: I can take off the cover  
12 page of the Annex 11 and ask him if he's  
13 seen the website, but I am going to ask him  
14 whether or not he has seen this particular  
15 website.

16 MR. NADING: And we're going to move  
17 to strike these exhibits.

18 MR. FRANK: Okay.

19 MR. NADING: That's outside the scope  
20 of Mr. Richter's trial declaration and  
21 outside the scope of this cross-examination.

22 MR. FRANK: The court will make a  
23 decision at the appropriate time.

24 BY MR. FRANK:

25 Q Can you let me know you're ready,

1 Mr. Richter, when you've reviewed the documents?

2 A Mr. Frank, am I reviewing the last one  
3 you just put up from Ruiz?

4 Q That's correct. Yes.

5 A Okay.

6 Q This is a page from a website  
7 TheCigarStore.com selling Cohiba miniature cigars.

8 Prior to signing your declaration, did  
9 you review this page from the website  
10 TheCigarStore.com?

11 MR. NADING: Same objections.

12 A No, I did not.

13 Q Thank you.

14 Prior to signing your declaration, did  
15 you review an article titled, quote, President  
16 Obama Lifts Restrictions on Cuban Rum and Cigars,  
17 end quote, written by Tessa, T-e-s-s-a, Berenson,  
18 B-e-r-e-n-s-o-n, published in Time Magazine on  
19 October 14, 2016 that, Cubatabaco submitted as  
20 evidence in this proceeding?

21 MR. NADING: Object to the form of the  
22 question.

23 A No, I did not.

24 Q Thank you.

25 Prior to signing your declaration, did

1 you review an article titled, quote, Obama Lifts  
2 Restrictions on Cuban Cigars, Rum, end quote,  
3 written by Lale, L-a-l-e, Arikoglu,  
4 A-r-i-k-o-g-l-u, published by Condé Nast Traveler  
5 on October 14, 2016, that Cubatabaco has submitted  
6 as evidence in this proceeding?

7 MR. NADING: Object to form of the  
8 question, and also outside the scope.

9 A No, I did not.

10 Q Thank you.

11 Prior to signing your declaration, did  
12 you review an article titled, quote, Obama Lifts  
13 all Restrictions on Cuban Rum, Cigars, end quote,  
14 by Allen Greene, G-r-e-e-n-e, from USA Today,  
15 dated October 14, 2016, that Cubatabaco has  
16 submitted as evidence in this proceeding?

17 MR. NADING: Object to form of the  
18 question and outside the scope.

19 A No, I did not.

20 Q Thank you.

21 Prior to signing your declaration, did  
22 you review an article titled, quote, Obama Lifts  
23 Restrictions on Cuban Rum, Cigars, written by Tim  
24 Devaney, D-e-v-a-n-e-y, published by The Hill on  
25 October 14, 2016, that Cubatabaco has submitted as



1 evidence in this proceeding?

2 MR. NADING: Object to the form of the  
3 question and outside the scope of this  
4 witness's testimony.

5 A No, I did not.

6 Q Thank you.

7 Prior to signing your declaration, did  
8 you review an article titled, quote, Stock Up on  
9 Cuban Cigars and Rum, Starting Monday, end quote,  
10 posted on the website St. Louis Today on  
11 October 17, 2016, that Cubatabaco has submitted as  
12 evidence in this proceeding?

13 MR. NADING: Object to form of the  
14 question and outside the scope.

15 A No, I did not.

16 Q Thank you.

17 Prior to signing your declaration, did  
18 you review the page on Cigar Aficionado's website  
19 with the address  
20 [www.cigaraficionado.com/brand/cohiba](http://www.cigaraficionado.com/brand/cohiba) that  
21 Cubatabaco submitted as evidence in this  
22 proceeding?

23 MR. NADING: Object to form of the  
24 question and outside the scope.

25 A No, I did not.

1 Q Thank you.

2 Prior to signing your declaration, did  
3 you review any of the user comments to a post  
4 dated December 16, 2013 by -- on the Facebook  
5 account of Jay-Z, in which the Jay-Z account  
6 introduces the Cohiba Comador cigar?

7 That's C-o-m-a-d-o-r for the court  
8 reporter.

9 MR. NADING: Object to form of the  
10 question and outside the scope.

11 A Not that I can remember. So I'd say  
12 no, I did not.

13 Q Thank you.

14 Prior to signing your declaration, did  
15 you review any of the evidence that Cubatabaco has  
16 submitted in this proceeding concerning the cigar  
17 app, Cigar Boss?

18 MR. NADING: Object to form of the  
19 question and outside the scope of this  
20 testimony.

21 A No, I did not.

22 Q Prior to signing your declaration, did  
23 you review any of the evidence that Cubatabaco has  
24 submitted in this proceeding concerning sales of  
25 Cohiba cigars on Craigslist?

1 MR. NADING: Object to form of the  
2 question and outside the scope.

3 A No, I did not.

4 Q Thank you.

5 Prior to signing your declaration, did  
6 you review the user post concerning Cohiba from  
7 Reddit, R-e-d-d-i-t, that Cubatabaco has submitted  
8 in this proceeding?

9 MR. NADING: Object to form of the  
10 question and outside the scope.

11 A No, I did not.

12 Q Thank you.

13 Prior to signing your declaration, did  
14 you read the opinion dated March 26, 2004 of the  
15 Honorable Judge Robert Sweet in the federal action  
16 proceeding between Cubatabaco and General Cigar  
17 and Culbro Corp. -- Culbro spelled C-u-l-b-r-o --  
18 in the United States District Court for the  
19 Southern District of New York concerning the  
20 Cohiba trademark?

21 MR. NADING: Object to form of the  
22 question, outside the scope.

23 Counsel, I reiterate the same  
24 objection going back to Exhibit 3.

25 You have not laid any foundation for

1 any of these questions. They're vague,  
2 they're ambiguous.

3 You haven't pointed to anywhere in  
4 Mr. Richter's trial declaration that this  
5 line of testimony -- or excuse me, this line  
6 of cross-examination relates to.

7 Kindly point to what in Mr. Richter's  
8 declaration this relates to.

9 You are doing this under the guise of  
10 his preparation for his declaration.

11 MR. FRANK: Correct. And we are  
12 entitled to find out what he has reviewed in  
13 formulating the statements in his  
14 declaration.

15 MR. NADING: Mr. Frank, you asked him  
16 at the top -- before we began this whole  
17 rabbit hole, you asked him what he reviewed  
18 in preparation for his declaration.

19 And now you're going off on these  
20 esoteric documents that the witness has  
21 testified he has no -- he doesn't even know  
22 who some of these witnesses are.

23 So what does this relate to?

24 MR. FRANK: That will be noted for the  
25 record. Your objections have been noted for

1 the record.

2 I have one more -- I have two more  
3 questions on this line, and the board will  
4 decide on your objections.

5 BY MR. FRANK:

6 Q Mr. Richter?

7 A Is there a question?

8 Q Yes. Prior to your signing your  
9 declaration, did you read the opinion dated  
10 March 26, 2004 of the Honorable Judge Robert Sweet  
11 in the federal action proceeding between  
12 Cubatabaco and General Cigar and Culbro Corp. in  
13 the United States District Court for the Southern  
14 District of New York concerning the COHIBA  
15 trademark?

16 MR. NADING: Object to form of the  
17 question, and outside the scope.

18 A No, I did not.

19 Q Prior to signing your declaration, did  
20 you read the Study to Measure Awareness of Cuban  
21 Cohiba Cigars and Source Confusion Between These  
22 Cigars and General Cigar Co. Inc. Cohiba Cigars  
23 prepared by Alvin Ossip?

24 MR. NADING: Object to form of the  
25 question and outside the scope.

1 A I did not.

2 Q Thank you.

3 Can you please turn to paragraph 5.

4 A I am there.

5 Q Did you start working at General Cigar  
6 in 2008?

7 A I did.

8 Q Are you currently vice president of  
9 sales at General Cigar?

10 A I am.

11 Q Have you held that position since  
12 2008?

13 A I have.

14 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

1

[REDACTED]



\_\_\_\_\_

\_\_\_\_\_

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

9

Q And do you report directly to the

10 president as vice president of sales?

11 A I report to the president of -- well,

12 it's hard to say what his title is today.

13 I report to Regis Broersma, who is one  
14 of our three business unit leaders in the STG  
15 group.

16 He would be considered the president  
17 of General Cigar, but he's also responsible for --  
18 I think it's something like 123 countries around  
19 the world.

20 Q Thank you.

21 Now, is the vice president of sales  
22 the second-highest level of management?

23 MR. NADING: Could you repeat the  
24 question? I didn't hear that. There was  
25 some --

1 MR. FRANK: Yeah, there was some noise  
2 there.

3 Q The question is: Is the vice  
4 president of sales the second-highest level of  
5 management at General Cigar?

6 MR. NADING: Object to the form of the  
7 question.

8 Q You can answer.

9 A I'm considered an L3.

10 Q What is an L3?

11 A I report to the president directly.  
12 There are multiple L3s.

13 Q And who is the L2 -- is there an L2?

14 A The president.

15 Q And who is the L1?

16 A That would be the president --

17 MR. NADING: Object to the form of the  
18 question.

19 A That would be the president of STG.

20 Q I should say, is there an L1?

21 Mr. Richter, is there an L1?

22 A Yes. The president of STG.

23

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13 Q Is it correct that a direct account is  
14 a General Cigar customer?

15 A Yes.

16 MR. NADING: Object to form of the  
17 question.

18 Q Is it true that a threshold  
19 requirement to qualify as a direct account is the  
20 ability to carry and sell roughly 40 General Cigar  
21 SKUs?

22 A That's correct. That's the criteria  
23 we use to evaluate an account.

24 Q And what is an "SKU"?

25 A That would be a single cigar.



1                   So if a line, a brand, subbrand has  
2 multiple front mark sizes, we call that an "SKU."

3           Q       That's not an individual cigar but an  
4 individual kind of cigar?

5           A       No.

6           Q       Not just one unit of that cigar,  
7 but -- what would be an example of an SKU?

8           A       The definition of an SKU is a  
9 stock-keeping unit. That's the official  
10 definition.

11                   So you can have a single cigar.

12                   A box could be an SKU, which is what  
13 I'm defining in this case.

14                   [REDACTED]

[REDACTED]

[REDACTED]

17           Q       Got it.

18                   Isn't it true that General Cigar  
19 categorizes its direct accounts into channels?

20                   MR. NADING: Object to form of the  
21 question.

22           Q       Mr. Richter?

23           A       Yes, that's correct. If you're  
24 referring to paragraph 7, yes.

25           Q       Do these channels include

1 internet/catalog retail liquor and distributors?

2 A That's correct.

3 Q Isn't it true that General Cigar's  
4 internet/catalog direct accounts sell directly to  
5 consumers?

6 MR. NADING: Object to the form of the  
7 question.

8 Q You may answer, Mr. Richter.

9 A So internet/catalog is a form of  
10 retailer.

11 So yes, they sell directly to  
12 consumers, just like our mom-and-pop  
13 brick-and-mortar stores do.

14 Q You're anticipating my next question.

15 Isn't it true that General Cigar's  
16 retail direct accounts sell directly to consumers?

17 A Yes. Just like in any other  
18 consumable goods, a retail outlet sells direct to  
19 consumers.

20 Q And isn't it true that General Cigar's  
21 liquor direct accounts sell directly to consumers?

22 MR. NADING: Object to form of the  
23 question.

24 A The liquor channel is another form of  
25 retail. We just designate it a little

1 differently.

2 Q And so they sell directly to  
3 consumers.

4 Is that correct?

5 A That is correct.

6 Q Isn't it true that General Cigar does  
7 not itself sell directly to consumers?

8 MR. NADING: Object to form of the  
9 question.

10 A General Cigar sells to customers, who  
11 then sell directly to consumers. It's called a  
12 three-tier value chain.

13 Q But General Cigar does not itself sell  
14 directly to consumers?

15 MR. NADING: Same objection.

16 A General Cigar does not sell directly  
17 to consumers.

18 Q Correct.

19 Is that correct?

20 MR. NADING: Objection.

21 A General Cigar does not sell directly  
22 to consumers.

23

1 [REDACTED].

2 You called out our channels. Yes.

3 Q And isn't it true that these  
4 distributors sell General Cigar cigars to smaller  
5 downstream retailers?

6 A That is correct.

7 Q And you say in paragraph 13 of your  
8 declaration that General Cigar does not receive  
9 information from its distributors about the  
10 identity of these indirect accounts?

11 A That is correct.

12 We do not receive reports from these  
13 distributors that give us the volumes that they  
14 sell to these accounts. That's correct.

15 Q Or the identity of the indirect  
16 accounts?

17 A Not officially. They don't hand us  
18 over reports.

19 But we know who the key players are  
20 that these guys, these distributors are selling  
21 to.

22 Our field sales staff actually will  
23 visit them on occasion.

24 A great example of that is in the  
25 Chicagoland with Arango.

1                   We sell to Arango. Arango has a  
2 dedicated team of seven folks -- both inside,  
3 outside -- that are calling on these, as you put  
4 it, "downstream accounts."

5                   Some of these downstream accounts  
6 happen to be the biggest and baddest accounts in  
7 Chicago. So our sales organization does visit  
8 them, and we know who they are.

9                   So the larger accounts that  
10 distributors across the country are calling on,  
11 we'll know what they're doing and how they're  
12 selling our products -- not all.

13               Q       Do you know approximately how many of  
14 these downstream retailers there are?

15               A       No -- the retail side of it? No, I  
16 couldn't give you an exact number.

17               Q       Are they more than 1,000?

18                   MR. NADING: Object to form of the  
19 question.

20               A       Mr. Frank, I can't give you an exact  
21 number.

22               Q       I'm not asking for an exact number.  
23 I'm trying to get an idea.

24                   Is it more than 500?

25                   MR. NADING: Object to the form of the

1 question.

2 A I really can't give you a good  
3 approximation. That wouldn't be right.

4 Q So you don't know if it's more than  
5 10,000?

6 MR. NADING: Same objection; asked and  
7 answered.

8 A Yeah. I would struggle to say it's  
9 10,000, but I couldn't -- I really can't give you  
10 a good approximation, because we don't get the  
11 exact data.

12 Q And do you know if it's more than  
13 25,000?

14 MR. NADING: Same objection, and asked  
15 and answered again.

16 A I'm just going to give you the same  
17 answer. I can't give you an accurate  
18 approximation.

19 Q Is it true that some of these  
20 downstream retailers include gas stations?

21 A Could.

22 Q Do you know if General Cigar's Cohiba  
23 cigars are sold at gas stations in the United  
24 States?

25 A I can't say off the top of my head I

1 could answer that yes or no.

2 Q So you couldn't answer the question  
3 how many gas stations sell General Cigar's Cohiba  
4 cigars either?

5 MR. NADING: Object to form of the  
6 question.

7 A I can tell you in my -- my 12-plus  
8 years now, I can't think off the top of my head  
9 where I've seen a gas station, as you're  
10 describing a gas station, selling Cohiba cigars.

11 Q Is it true that these downstream  
12 retailers include convenience stores?

13 A Define --

14 MR. NADING: Object to the form of the  
15 question.

16 A Can you define "convenience store" for  
17 me?

18 Q Well, how would you understand a  
19 convenience store -- not a specialty cigar store  
20 that sells other -- sells other products such as  
21 food?

22 A Well, the reason I'm asking is people  
23 in different industries define a convenience store  
24 very differently.

25 You know, if you take a 7-Eleven, or



1 maybe up towards where you're at, a Wawa or a  
2 Sheetz, some people will call that chain  
3 convenience.

4 Others will call a bodega in New York  
5 City, as you're walking up and down the street, a  
6 convenience store.

7 So it really comes down to what's your  
8 definition of convenience.

9 If I'm in New York City and I pop into  
10 a little bodega and they have a standup humidor in  
11 there that one of our distributors may or may not  
12 service, you might find a premium cigar humidor in  
13 there.

14 But walking into a Wawa, you're not  
15 going to necessarily see handmade premium cigars  
16 for sale in there. They don't put them on the  
17 shelf.

18 Q So you've identified two categories, a  
19 bodega and a chain convenience.

20 Let me know if I understand your  
21 testimony correctly. You're saying at bodegas,  
22 General Cigar's Cohiba cigars are sold.

23 Is that correct?

24 A What I'm saying is it's defined how  
25 you define convenience.

1                   We define bodega as a retailer.

2       Others may define bodegas as a convenience store.

3                   So it all comes back to your point of  
4       definition and the question you posed to me.

5                   So if you're saying retail outlets in  
6       New York, which could be considered a bodega by  
7       different people in the way they classify their  
8       trades -- we classify everything as retail.

9                   But yes, you could walk into what you  
10      just defined bodega, others may define it as  
11      convenience, I define it as retail. You may find  
12      a Cohiba cigar or a Macanudo or a Romeo y Julieta  
13      in those accounts.

14                Q       And what about, do you know if General  
15      Cigar's Cohiba cigars are sold at chain  
16      convenience stores?

17                A       I don't have any chain convenience  
18      stores today that I'm aware of that are carrying  
19      our Cohiba.

20                   So you're not going to find Cohiba in  
21      Wawa, Sheetz, 7-Eleven, Circle Ks.

22                   So again, it comes back to your  
23      definition of what's convenience.

24                Q       Okay. Well, let's define convenience  
25      as a store that sells products other than cigars

1 and cigar accessories and tobacco products.

2 A That could be a retailer though.

3 Q So you're saying that General Cigar's  
4 Cohiba cigars are sold at those kinds of  
5 convenience stores, convenience stores that are  
6 not only selling cigar, cigar products and tobacco  
7 products?

8 MR. NADING: Object to form of the  
9 question.

10 A Well, I think, Mr. Frank, I think  
11 you're either confusing or twisting my words a  
12 little bit.

13 Convenience, to me, is going to be  
14 7-Eleven. Everything else for me is pretty much a  
15 retail outlet.

16 And that retail outlet could carry a  
17 whole host of things. They may carry some grocery  
18 products. They may carry health and beauty  
19 products. You know, they're a retailer. And they  
20 may choose to put a standup humidor or a counter  
21 six-bin humidor in there.

22 They're not a specialty cigar shop  
23 like maybe you're leading up to.

24

1

3

There are some that cross over -- and  
then the liquor channel of trade. And we have  
some key partners in the liquor channel of trade.

6

I don't have any key partners in the  
convenience world today that carry Cohiba.

8

Q Do you know if any of the downstream  
retailers include newspaper stores that sell  
tobacco?

10

11

MR. NADING: Object to form of the  
question.

12

13

A I don't have any insights into that,  
no. I can't answer that.

14

15

Q Do you know if General Cigar's Cohiba  
cigars are sold at newspaper stores that sell  
tobacco?

17

18

MR. NADING: Objection; asked and  
answered.

19

20

A I'm not sure what a newspaper store  
is. What's the definition of a newspaper store?

21

22

Q A newspaper store would be a store  
that primarily sells newspapers, magazines, and  
may also sell tobacco products.

24

25

A Are there any of those left?

1 I shouldn't say it like that.

2 No.

3 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

8 So if you want to, I can give you one.

9 Q Do you know if any of the downstream  
10 retailers include liquor stores?

11 A I'm sure they do.

12 Q Do you know how many liquor stores are  
13 included in the downstream retailers?

14 A No, I do not.

15 MR. NADING: Object to form of the  
16 question.

17 Q You state that six people in the sales  
18 department report to you directly.

19 Is that correct?

20 A What paragraph are you at?

21 Q Paragraph 14.

22 A Yes, that's correct.

23 [REDACTED]

[REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

Q Is it correct that the Lane Limited business does not involve Cohiba cigars?

A That is correct.

Q Thank you.

MR. NADING: Mr. Frank, we've been going about an hour. So when you come to a natural spot for a break, I'd like to take one.

MR. FRANK: Sure. This would be a natural spot for a break. How long do you need, Mr. Nading?

MR. NADING: I don't know, five -- five minutes, ten minutes. Whatever.

THE WITNESS: Five works.

MR. NADING: Okay.

MR. FRANK: Five minutes?

MR. NADING: Sure.

(Whereupon, a recess was taken from 10:32 a.m. until 10:43 a.m.)

BY MR. FRANK:

Q Mr. Richter, do you state in paragraph 22 of your declaration that you met with approximately 200 customers physically each year?

A That's correct.

1 Q And you also state in your declaration  
2 that you met about 50 percent of these customers  
3 physically each year at the annual trade show.

4 Is that correct?

5 A That's correct.

6 Q And the annual trade show, you're  
7 referring to the International Premium Cigar and  
8 Pipe Retailers Association show, which I think is  
9 now called the PCA Invention and Trade Show?

10 A That's correct.

11 Q I'll refer to that as -- I think it's  
12 referred generally as the IPCPR.

13 Do you understand?

14 A You were correct in what you said. It  
15 was formerly the IPCPR. Now we refer to it as  
16 PCA.

17 Q Okay. I'll refer to it then as PCA.

18 A There you go.

19 Q Where is the PCA normally held?

20 A It rotates.

21 For the last few years, it would be in  
22 Las Vegas.

23 It's been in New Orleans. It's been  
24 in Orlando. Historically, it's bounced around;  
25 but Las Vegas you could say has been the recent



1 home.

2 Q Are there booths at the PCA  
3 conference?

4 A That's correct.

5 It should also be noted that PCA was  
6 canceled in 2020.

7 Q But prior to 2020, was it canceled?

8 A No.

9 Q Had it been canceled any time prior to  
10 2020?

11 Since you started at General Cigar in  
12 2008, had the IPCPR -- at the time -- trade show  
13 been canceled?

14 A No, it had not.

15 MR. NADING: Object to the form of the  
16 question.

17 Q Are the PCA annual trade conferences  
18 held in a big convention hall space?

19 MR. NADING: Object to form of the  
20 question.

21 A Yes.

22 Q Approximately how many booths are  
23 there at the PCA annual trade conference?

24 MR. NADING: Object to form of the  
25 question.

1           A           Honestly, I don't have an exact count.

2                   What I would say to you is the major  
3 manufacturers are there, and a whole host of  
4 smaller players that come out of the woodwork that  
5 nobody sees other than that time of year.

6                   Honestly, Mr. Frank, I couldn't give  
7 you a number. I don't know -- 75, 50, 100. I'm  
8 not actually sure.

9           Q           All right. Do you know approximately  
10 how many people attend the PCA annual trade show?

11           A           I don't have the exact or have an  
12 understanding of the numbers.

13                   What I would tell you is it's only  
14 open to retailers, the retailers that are members  
15 of the PCA, and invited cigar media.

16                   There are no consumers at this show.

17           Q           Okay. Would you say that there are  
18 over 1,000 people attend the PCA annual trade  
19 conference?

20                   MR. NADING: Object to form of the  
21 question.

22           A           I could safely say there's, including  
23 manufacturer representatives that are at the show,  
24 including retailers and cigar media, I could  
25 safely say there's over 1,000.

1 Q Would you say -- do you -- strike  
2 that.

3 Do you know if there are over 5,000  
4 people that attend the annual PCA trade show?

5 MR. NADING: Object to form of the  
6 question.

7 A I don't remember the attendance  
8 numbers.

9 Q Does General Cigar have a booth at the  
10 annual PCA trade show?

11 A Yes.

12 Q And just for clarity, I'm referring  
13 both to the PCA and the prior iterations of the  
14 IPCPR.

15 Do you understand, Mr. Richter?

16 A Yes.

17 Q And has General Cigar had a booth at  
18 the PCA/IPCPR annual trade show in the past?

19 A Yes.

20 Q And for the customers you met at the  
21 trade show each year, did you meet -- did any of  
22 these meetings take place at General Cigar's  
23 booth?

24 A All the meetings take place at the  
25 General Cigar booth.

1 Q Thank you.

2 And of the meetings -- strike that.

3 Are the customers you meet with at the  
4 annual trade show the top direct accounts?

5 MR. NADING: Object to form of the  
6 question.

7 Q I'm going to refer you to your  
8 paragraph 22.

9 A Not necessarily the top. All levels  
10 of the customer base are open to attend the trade  
11 show.

12 There are some large -- some of our  
13 largest customers choose not to come to the trade  
14 show.

15 So it's not necessarily the top, as  
16 you may be kind of defining. It's the entire  
17 roster of, you know, ranking could be at the trade  
18 show.

19 They don't necessarily have to be  
20 there. They could be there.

21 So I wouldn't say I'm always meeting  
22 with the top.

23 Q Does your paragraph 22 of your  
24 declaration say: I have met about 50 percent of  
25 General Cigar top accounts?

1 A Yes.

2 Q And what is a top account?

3 A It depends how we're defining at that  
4 point.

5 It could be volumetrically. It could  
6 be those that put more of our front marks in the  
7 humidor shelves, the best merchandising accounts.  
8 It's how we define at a given time.

9 In this case, I was probably referring  
10 to volumetrically.

11 So yes, I am seeing some of our bigger  
12 accounts, such as our internet/catalog buyers  
13 would be there. Some of our largest retail  
14 accounts would be there.

15 But that's not to say I didn't also  
16 meet with some of the smaller downstream accounts.

17 Q And how many smaller downstream retail  
18 accounts would you meet with on any year?

19 A At the PCA show?

20 Q Correct.

21 A Mr. Frank, when the customers -- when  
22 I'm typically meeting with them, they're going  
23 through a rotation of our brands and learning  
24 about our brands.

25 I'm popping in to meetings with our

1 sales team as they're sitting there presenting and  
2 talking over numbers.

3 I may not always know who is what in  
4 the pecking order. It's about engaging. It's a  
5 relationship business, so it's about engaging the  
6 customer, saying hello.

7 They like to get touched. And that  
8 meeting may be five minutes, that meeting may be  
9 20 minutes. It's an interaction.

10 And in those times that we're talking,  
11 they like to tell us about how they're taking care  
12 of our brands and our business. They're very  
13 proud people.

14 So it's a relationship that we're  
15 continuing to foster.

16 Q And would you meet many of the same  
17 accounts each year at the PCA trade show?

18 A There is a normal rotation. Those  
19 that normally come, come.

20 A lot of it will depend on the year  
21 and the type of the year that the accounts are  
22 actually having business-wise.

23 Can they afford to come? It's an  
24 expensive venture.

25 You think about -- you're bringing

1     yourself, typically bringing the spouse. They're  
2     bringing their staff. It's time-consuming and it  
3     takes people away from their businesses.

4                 And you have to remember, these folks  
5     that are coming here, this isn't big-box. This  
6     isn't Target. This isn't Walmart. This isn't  
7     Home Depot, Kohl's, or whatever.

8                 This is mom-and-pop individual stores.

9                 You know, their livelihoods are tied  
10    to exactly what they do; and anytime they leave  
11    that building, it takes away from that livelihood.

12                So it's a unique, unique situation  
13    that -- you know, it gives people a chance to  
14    build their relationship with the manufacturers.

15                Q     And when you say mom-and-pop stores,  
16    are you referring to specialty cigar stores?

17                A     Yes, yes.

18                What I'm referring to are the  
19    specialty tobacconists. That's the core of this  
20    business.

21                So when you were talking earlier about  
22    convenience stores, you're not going to find that  
23    ownership there. You're not going to find the  
24    Wawas.

25                What you're finding here are those



1 pure tobacconists, those that represent the bulk  
2 of the business in the handmade premium cigar  
3 business.

4 Q Do you know, in the meetings that  
5 you've had at the PCA trade show in 2008, how many  
6 of those meetings would be with top general cigar  
7 accounts?

8 A 2008?

9 Q Yes.

10 A No, sir. I'm getting old. I can't  
11 remember.

12 Q How about any years between 2009 and  
13 2015; do you remember how many were in the top  
14 accounts?

15 A Mr. Frank, if you've ever worked a  
16 trade show, you spend 12 -- almost 12 hours on the  
17 show floor from the time you get there working  
18 with your sales team until the time you leave that  
19 evening, and then have to go to a dinner.

20 It's a blur. It's a blur.

21 I can tell you that I interact with a  
22 lot of accounts. I couldn't tell you how many  
23 exactly in each year. That's why we call that  
24 approximately.

25 And I'm using that as my -- you know,

1 as a best guess, because these shows are a grind.  
2 They're not easy.

3 And beyond that, I have other meetings  
4 that go on -- intercompany meetings. We have  
5 personnel that come in.

6 So, hard for me to keep an exact count  
7 for you.

8 Q Do you know the position of the person  
9 you would speak to during your meetings at the  
10 annual trade show from the retailers?

11 MR. NADING: Object to form of the  
12 question.

13 A 90 to 95 percent of the time, or even  
14 greater, would be the actual owner of the  
15 operation.

16 They're the ones going around --  
17 remember, it's their money. They're figuring out  
18 who they're placing their bet with.

19 It would be just like you, if you own  
20 the store, you're going to want to talk to the  
21 person directly.

22 The other percentage of time, it may  
23 be they have a general manager assigned. It may  
24 be a family-owned business -- excuse me -- that  
25 has four or five stores. So they have their

1 general manager who they have assigned  
2 responsibility.

3 But it's the decision-maker that we're  
4 talking to.

5 Q Got it.

6 And do you know if these stores would  
7 also have a sales staff at the store, in addition  
8 to the owner and the -- or the general manager?

9 MR. NADING: Object to form of the  
10 question.

11 A So the answer to that is yes, and  
12 that's actually the benefit for us.

13 And the reason it's the benefit is  
14 that gives us the opportunity for our brand sales  
15 team, our brand managers to interact directly with  
16 staff.

17 We love it when staff comes, because  
18 then we can translate the talking points of the  
19 brands directly to that sales staff.

20 So yes, there are times when that  
21 owner will show up and he'll have one or two of  
22 his right-hand men or women with him that we then  
23 get to engage with in a different setting than the  
24 retail store.

25 It really enables us to communicate

1 our talking points in a really, really robust way.

2 Q You state in your declaration that  
3 about 50 percent of the customers you meet with  
4 physically each year are at the retail  
5 operations -- talking about the other 50 percent?

6 MR. NADING: Object to form of the  
7 question.

8 A That is correct.

9 So I spend in a normal year -- we have  
10 to take this year out, with travel restrictions  
11 and closings and everything else.

12 Here we are on Zoom. Right?

13 In a normal year, I'm at least two  
14 weeks, sometimes three weeks out on the road.

15 And so I have that opportunity,  
16 working with our sales organization, to go into  
17 the retail outlets and see folks that maybe I  
18 didn't see at the show or don't come to the show,  
19 get a chance to interact with their staff and the  
20 ownership in a different way.

21 Q And these are the specialty cigar  
22 stores that you're talking about, these retail  
23 operations?

24 A Primarily the retail operations, yes,  
25 as we define as retail.

1                   But I also visit the distributors as  
2 well and --

3           Q       When you say "retail," do you mean the  
4 specialty cigar stores that you had mentioned  
5 previously?

6           A       Yes. Our primary customer base, what  
7 we'll call the true tobacconists.

8           Q       And would these true tobacconists that  
9 you visit physically during the year, are these  
10 General Cigar's top accounts?

11          A       Again, that can fluctuate.

12                   I try to, you know, as we'll say,  
13 sprinkle the infield.

14                   When I'm in a marketplace, I want to  
15 see who the key players are in the marketplace,  
16 which as you define as the top; but then I also  
17 see what we'll call, you know, as you've kind of  
18 alluded, the downstream in the ranking of our  
19 account base.

20                   And really it comes from I spend my  
21 time working with our sales reps in the streets  
22 and our region managers. And when I go into a  
23 marketplace, we do not want to always go see the  
24 top accounts. We need to see the whole picture.

25                   So that gives us the -- you know,

1 enables us to see what's going on in the  
2 marketplace. Talk to the retailers, talk to the  
3 staff, talk to consumers when we're out. Helps us  
4 understand what's really going on in the market.

5 So answering your question, I don't  
6 just visit the top accounts, no.

7 Q In 2008, how many of the nontop  
8 accounts did you visit at their retail operation?

9 A Mr. Frank, that's almost -- that's 12  
10 years ago. I can't -- I don't -- I don't recall.

11 Q Do you recall how many nontop accounts  
12 you visited in the years between 2009 and 2019?

13 A No, I don't recall numbers.

14 MR. NADING: Object to form of the  
15 question.

16 Q Do you recall how many nontop accounts  
17 you visited in 2009?

18 A Again, I don't recall -- I don't  
19 track, as I visit marketplaces, where each account  
20 ranks in our sales rolls.

21 For me, it's about going and seeing  
22 people, relationship building.

23 And you have to keep in mind, it's  
24 just as important to visit the folks that may be  
25 down in the ranking as it is to visit the top of

1 the ranking, because one day those folks at the  
2 bottom of the ranking could become your top  
3 player.

4 So it's not -- our marketplace visits  
5 aren't based on who's the top and the best, it's  
6 based on seeing the market and getting an  
7 understanding of all accounts or as many accounts  
8 as we can see in the marketplace.

9 That's why we build the rotation of  
10 our salespeople the way we do.

11 Q Do you recall how many of the nontop  
12 accounts you visited in 2010?

13 MR. NADING: Object to form of the  
14 question.

15 A Mr. Frank, I think I've answered the  
16 question several times. I don't remember.

17 I go to -- I've been to a lot of  
18 accounts in 12-plus years. I can't tell you who's  
19 top, who's below.

20 At times, I don't even look at the  
21 rankings.

22 It's about relationships, Mr. Frank.  
23 That's what this business is all about. It's  
24 about relationships.

25 Q Did you meet physically with any



1 direct accounts in the liquor category at their  
2 liquor stores?

3 MR. NADING: Object to form of the  
4 question.

5 A So when you say did I meet, I would  
6 say that, yes, I have met with liquor store  
7 accounts over my last 12 years plus while being in  
8 the marketplace, yes.

9 Q Let me go through each year.

10 In 2008, did you meet physically with  
11 any direct accounts in the liquor category at  
12 their liquor stores?

13 A I don't recall, 2008, exactly who I  
14 met with in terms of liquor channel.

15 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

19 You can walk through each of the  
20 subsequent years; and I'm going to give you the  
21 same answer: I don't remember exactly.

22 It's been a long time.

23 [REDACTED]  
[REDACTED]  
[REDACTED]

1

5

I don't remember, every year, who I  
met with in the liquor channel.

7

Q Do you remember any -- I'll just for  
the record go through -- I'll group the years  
together.

10

But if Mr. Nading has an objection to  
grouping them together, I'll go through each  
individual year.

13

1 A No, not off top of my head.

2 Q And you said these -- the meetings  
3 that you do remember were at headquarters, not at  
4 the retail locations?

5 A Yeah. And I'm going to define  
6 "meetings" as actually physically sitting down and  
7 meeting.

8 Now, have I been in liquor stores  
9 across the country in all this time, yes.

10 Did I sit down and have a physical  
11 meeting with an owner and discuss business, no.

12

15 Q Did you meet physically with any gas  
16 store location selling General Cigar's Cohiba  
17 cigars in between 2008 and the present?

18 MR. NADING: Object to form of the  
19 question.

20 MR. FRANK: What's your objection,  
21 Mr. Nading?

22 MR. NADING: The vagueness. The time  
23 period 2008 to present. Any gas stores.

24 I think you said "gas store location."  
25 What's a gas store location?

1 MR. FRANK: It's a gas store location  
2 selling General Cigar's Cohiba cigars.

3 BY MR. FRANK:

4 Q But I'll go through every year,  
5 Mr. Richter, because of Mr. Nading's objection.

6 MR. NADING: And also objection; lack  
7 of foundation.

8 Q Mr. Richter, in 2008, did you meet  
9 physically with any gas store locations selling  
10 General Cigar's Cohiba cigars?

11 A Since I don't know what a "gas store"  
12 per se is, I'm going to say no.

13 MR. NADING: And I also want to put  
14 out there, lack of foundation. Objection.

15 Q How about in 2009; did you meet  
16 physically with any gas store locations selling  
17 General Cigar's Cohiba cigars?

18 A Again --

19 MR. NADING: Sorry, Mr. Richter.

20 Same objections. And I also think  
21 you're assuming facts not in evidence.

22 Q Mr. Richter?

23 A Again, I'm not sure, the definition of  
24 "gas store."

25 So no, I've not gone to gas stations

1 per se and presented Cohiba cigars, no.

2 Q And would your answer be true for the  
3 years 2010 to the present?

4 MR. NADING: Same objections. Lack of  
5 foundation. Assumes facts not in evidence.

6 A That's correct, yes.

7 Q Did you meet physically with any  
8 nonspecialty cigar stores selling General Cigar's  
9 Cohiba cigars in 2008?

10 A Again, not that I can recall.

11 Q How about in 2009?

12 A Not that I can recall.

13 Q 2010?

14 MR. NADING: Object to form of the  
15 question.

16 A Not that I can recall.

17 Q 2011?

18 MR. NADING: Same objection.

19 A Not that I can recall.

20 Q 2012?

21 MR. NADING: Same objection.

22 A Not that I can recall.

23 Q 2013?

24 MR. NADING: Same objection.

25 A I'm going to say not that I can recall

1 up to the present, if that's where we're going, in  
2 terms of nonspecialty cigar stores.

3 Q 2014?

4 MR. NADING: Objection. And also  
5 asked and answered.

6 Q All right. 2014?

7 MR. NADING: Same objection.

8 A Same answer. Not that I can recall.  
9 Again, I'm not trying to be difficult,  
10 Mr. Frank. I don't remember. And you're just  
11 walking through the years.

12 So I get it. I get it. I just want  
13 you to know I'm not trying to be difficult here  
14 for you. It's just, it is what it is. Right?

15 Q I understand, Mr. Richter. I'm just  
16 trying to create a record and to avoid  
17 Mr. Nading's objections.

18 2015?

19 MR. NADING: Same objections.

20 A Same answer. Do not recall.

21 Q 2016?

22 MR. NADING: Same objections.

23 A Same answer. Do not recall.

24 Q 2017?

25 MR. NADING: Same objections.





1

[REDACTED]



1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]



1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



1

[REDACTED]



1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

1

[REDACTED]



1

[REDACTED]

25

Q

You attach to your declaration an



**ESQUIRE**  
DEPOSITION SOLUTIONS

800.211.DEPO (3376)  
EsquireSolutions.com

1 Annex A, General Cigar's Annual Sale Report.

2 Is that correct?

3 MR. NADING: Object to form of the  
4 question.

5 A That is correct.

6 Q And you say that these are true and  
7 correct copies of the annual sales report, is that  
8 correct, of General Cigar?

9 MR. NADING: Object to form of the  
10 question.

11 A This is what was provided to us by our  
12 finance group and our ComEx reporting group.

13 Q And these are annual sales reports of  
14 General Cigar.

15 Is that correct?

16 MR. NADING: Object to form of the  
17 question.

18 A These would be the annual sales for  
19 the Cohiba brand.

20 Q And did you review these sales reports  
21 before annexing them to your declaration?

22 A Again, I would receive this  
23 information for my declaration from our finance  
24 group and our ComEx reporting group.

25 Those are our single sources for this

1 type of information.

2 Q Right. And my question is whether or  
3 not you reviewed these reports before annexing  
4 them to your declaration.

5 A I was given the years, as you see it  
6 here in the total dollars, by our finance team.

7 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

Q And are the annual sales reports that you included in Annex A to your declaration, do those include the names of General Cigar's direct accounts?

A I guess I'd have to go pull that back out and look at it.

I'm guessing that what we supplied would have it, if you requested it down to that level. I'd have to go back and grab it.

Do you want me to do that?

MR. FRANK: Yeah, why don't you do that. I'm going to introduce it as an exhibit.

Why don't we go off the record for a moment.

(Whereupon, a brief recess was taken.)

MR. FRANK: I'm going to introduce as Richter Exhibit 6 the confidential version of Annex A to your declaration, Mr. Richter.

THE WITNESS: Yep..

(Whereupon, Richter Exhibit 6 was marked for identification.)

MR. NADING: Counsel, I note that it's a 153-page PDF. Are you representing that

1           this is a copy of the Annex A that was  
2           submitted to the TTAB?

3           MR. FRANK: Correct. Well, this was a  
4           copy of the annex that was served upon us  
5           and, we assume, filed with the TTAB,  
6           although we don't have access to the TTAB  
7           file.

8           MR. NADING: You're talking about the  
9           confidential version?

10          MR. FRANK: Correct.

11 BY MR. FRANK:

12          Q       Do you have that document available?

13          A       I do. Yeah, I have it available. I  
14          have it on the screen, and I have a hard copy as  
15          well.

16          Q       Maybe it would be easier to look at  
17          the screen version.

18          A       Okay.

19          Q       If you'd look at page 63 to 100, and  
20          then from 100 to 145.

21          A       Okay.

22          Q       My question is: Do these annual sales  
23          reports that you've included as Annex A, do these  
24          include General Cigar's direct accounts?

25          A       From scanning through the list of

1 accounts here, yes.

2

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]



1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22 Q When you met with a customer in 2008,  
23 how many people from the customer would you meet?

24 MR. NADING: Object to form of the  
25 question.

1           A       So are you -- let me define your  
2 question.

3                   Are you asking me, when I go to a  
4 retail shop, I meet with the owner, how many other  
5 people on his staff I meet with?

6                   Is that what you're trying to  
7 understand?

8           Q       Correct; if any.

9                   MR. NADING: Same objection.

10          A       So I think you got to -- you're using  
11 the word "meeting." It's an interaction.

12                   And, you know, it could be a  
13 ten-minute, it could be a five-minute. We could  
14 be in the store a half-hour. We could be in the  
15 store two hours. It just depends on the nature of  
16 what's going on.

17                   But during the course of let's call it  
18 a store visit, typically there will be one to  
19 maybe two, and at the high end three of the staff  
20 members could be present.

21                   And during that time, we will --  
22 particularly if I'm with one of our sales reps, we  
23 will have an interaction with the sales staff.

24                   And it's important that we have those  
25 interactions, because this is the time we get to

1 educate that staff on our brands.

2 You have to understand, this staff in  
3 this world is very, very educated in this little  
4 industry that we participate in, and they're  
5 seeking knowledge.

6 So they like to talk to us, and it's  
7 our opportunity to educate them on our brands.

8 Q And how many of the meetings would  
9 last between five or ten minutes?

10 MR. NADING: Object to form of the  
11 question.

12 A Again, Mr. Frank, you're asking me for  
13 minute details that I just -- I don't have an  
14 exact answer for you.

15 Q Do you know what percentage of your  
16 store visits in between 2008 and the present would  
17 last five to ten minutes?

18 MR. NADING: Object to form of the  
19 question. Asked and answered.

20 A Again, the interaction with an  
21 individual could be five to ten minutes or longer.

22 The store visit could be a half-hour,  
23 it could be 45 minutes, it could be 15 minutes.

24 I don't have a percentage to say, ooh,  
25 in 2008, 55 percent of my accounts -- my visits

1 were ten minutes. We don't log it that way, I  
2 don't.

3 So, no, I can't give you that answer.

4 Q Do you recall how many of your store  
5 visits were with one person in between 2008 and  
6 the present?

7 MR. NADING: Object to form of the  
8 question.

9 A Again, Mr. Frank, I cannot give you  
10 that type of detailed information.

11 I don't track it, I don't log it. I  
12 don't know.

13 Q So then you don't know how many  
14 involved two people at each store visit?

15 MR. NADING: Object to form of the  
16 question. Asked and answered.

17 A No, Mr. Frank, I do not.

18 Q Could it involve three people, the  
19 store visit?

20 MR. NADING: Asked and answered.  
21 Objection.

22 A Same answer. No, I do not.

23 Q Do you know if -- strike that.

24 Do you recall the titles of the people  
25 that you met with? Strike that.

1 MR. NADING: Mr. Frank, I'll also note  
2 we've been going about an hour. So when you  
3 come to a spot to break, I'd like to take  
4 one.

5 THE WITNESS: I would too. I second  
6 the motion.

7 MR. FRANK: We could take -- off the  
8 record.

9 (Discussion off the record.)

10 BY MR. FRANK:

11 Q On these store visits, would you meet  
12 with the entire sales staff at each location?

13 MR. NADING: Object to form of the  
14 question.

15 A Not necessarily.

16 Q I'm talking about -- I'll repeat the  
17 question.

18 For the period in between 2008 and the  
19 present, when you went on store visits, would you  
20 meet with the entire sales staff at each location?

21 MR. NADING: Object to form of the  
22 question.

23 A The answer would be no, because the  
24 entire sales staff may not even be present in that  
25 store at the time we're in the store. So, no.



1                   And there are times when we're in the  
2                   store, we'd only meet with the ownership. And we  
3                   may not have that ability to talk to the clerk or  
4                   his staff or her staff because they're tied up  
5                   with customers in the store.

6                   It all depends on the situation and  
7                   what we're trying to accomplish or what's going on  
8                   at the store at the time we make the visit.

9                   So I can't give you a percentage. I  
10                  can't tell you how many. It's just, it's the  
11                  natural flow.

12                 Q           For the store visits that you made in  
13                  between 2008 and the present, would some of those  
14                  customers have multiple locations?

15                 A           Yes.

16                 Q           And would you visit each of those  
17                  locations on your store visits?

18                 MR. NADING: Object to form of the  
19                  question.

20                 A           Not necessarily.

21                             It just depends on what we were doing  
22                             in the given day, what my sales rep's territory  
23                             routing was that day. It depends if some of the  
24                             stores are out of the marketplace.

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

11 MR. FRANK: Let's go off the record.  
12 I think this is good point to take a  
13 pause.

14 (Whereupon, a recess was taken from  
15 11:44 a.m. until 12:02 p.m.)

16 BY MR. FRANK:

17 Q Okay. Mr. Richter, do you state in  
18 paragraph 26 of your declaration that you talked  
19 to a significant number of cigar consumers?

20 A Yes.

21 Q All right. How many cigar consumers  
22 did you speak with in 2008?

23 A I cannot give you an exact number of  
24 how many. I do not remember how many I spoke to  
25 in 2008.

1 MR. NADING: Sorry, Mr. Frank. Object  
2 to the form of the question. I think it's  
3 also asked and answered.

4 Q Is it more than ten?

5 A I think it's safe to say I met with or  
6 spoke to more than ten consumers in the year, yes.

7 Q More than 50?

8 MR. NADING: Same objection. Asked  
9 and answered.

10 A Without having an exact number, I  
11 would say it's safe to say that I spoke to roughly  
12 200, as I call out in a given year in my  
13 declaration in that first sentence in  
14 paragraph 26.

15 I don't have exact numbers. I don't  
16 keep track, I don't tabulate.

17 I can just tell you that my gut says  
18 on an annual basis, I'm speaking to 200 or more.

19 Is it 250? Is it 400? I don't know.

20 Q Just to clarify, the 200 that you  
21 referred to in paragraph 26 of your declaration is  
22 200 or so direct account customers?

23 A That's what I'm saying, yes.

24 Q That's either a retail or a liquor  
25 category or a distributor or an internet/catalog

1 customer of General Cigar.

2 Is that correct?

3 A That's correct.

4 Q And that is different than a cigar  
5 consumer.

6 Is that correct?

7 A That's correct.

8 So you're referring to consumers now?

9 Q Correct. That was my question.

10 A I don't know how many exact consumers  
11 I speak to in a given year.

12 Q Did you speak with more than ten cigar  
13 consumers in 2008?

14 A I would say in a given year, I speak  
15 to significantly more than ten consumers,  
16 including 2008.

17 Q Could it be more than 50 in 2008, more  
18 than 50 cigar consumers with whom you spoke in  
19 2008?

20 A My gut would say it would be more than  
21 50.

22 Q Would it be more than -- strike that.  
23 You say your gut. Why do you say your  
24 gut?

25 A Because of the number of visits I

1 typically make in a week, a stop, I may run into  
2 two or three customers in a given store or a time  
3 period.

4 Again, I don't have exact numbers.

5 Q Do you recall if the number was above  
6 75 cigar consumers with whom you spoke in 2008?

7 MR. NADING: Object to form of the  
8 question. Asked and answered.

9 A I don't remember exactly in 2008 all  
10 the way up to almost the present year of how many  
11 consumers I speak to in a given year.

12 I will go on record and say it has to  
13 be above 50 to 100 based off the interactions that  
14 I have; but an exact number each year, I'm not  
15 sure.

16 Q You say it would have to be between 50  
17 and 100 cigar consumers or above 50 and 100?

18 A Let's say above 50 and 100.

19 Q So that would be above 100 cigar  
20 consumers that you speak with each year in between  
21 2008 and the present.

22 Is that correct?

23 MR. NADING: Object to form of the  
24 question.

25 A Yeah. I can say yes, safely it's

1 above 100.

2 Q Would it be below 150 cigar consumers  
3 with whom you speak --

4 MR. NADING: Object to form of the  
5 question.

6 Q -- in each year between 2008 and the  
7 present?

8 MR. NADING: Object to form of the  
9 question.

10 A Again, Mr. Frank, I don't have  
11 exact -- I don't keep track. I don't keep a tally  
12 on each visit. It fluctuates.

13 Number of doors I walk in, number of  
14 consumers are sitting in the lounge, how we  
15 interact with them, how we run into a consumer in  
16 the humidor -- that could be a one-minute,  
17 two-minute interaction, versus sitting in the  
18 lounge for a five-minute discussion.

19 I don't really keep tally, but we do  
20 have interactions. And my sales team has  
21 interactions, obviously, more than I do.

22 Q I'm trying to get a sense of the  
23 number of interactions you had, discussions you  
24 had with cigar consumers in 2008, trying to get a  
25 sense of the number.



1 Is it less than 200 cigar consumers  
2 with whom you spoke in 2008?

3 A It was 12 --

4 MR. NADING: Sorry, Mr. Richter.

5 Object to form of the question. Asked  
6 and answered.

7 A That was 12 years ago. I can't give  
8 you an answer. I don't recall.

9 Q How about in 2009; do you know how  
10 many cigar consumers you spoke with in 2009?

11 MR. NADING: Same objections.

12 A Same answer. I can't gave you an  
13 exact number. I'm sorry.

14 Q Would it be less than 200 cigar  
15 consumers with whom you spoke in 2009?

16 MR. NADING: Same objections.

17 A Same answer. It's too long ago for me  
18 to give you a -- you know, a ballpark. I'm sorry.

19 Q Do you know if it was less than 500  
20 cigar consumers with whom you spoke in 2009?

21 MR. NADING: Object to form of the  
22 question. Asked and answered multiple  
23 times.

24 A Yeah. I don't have an answer for you,  
25 Mr. Frank. It was too long ago.

1 Q How about in 2010; do you know how  
2 many cigar consumers you spoke with in 2010?

3 A Same answer. I don't recall.

4 Q You don't recall if it was above 100  
5 cigar consumers you spoke with in 2010?

6 MR. NADING: Object to form of the  
7 question.

8 A I don't recall exactly how many  
9 consumers I interacted with.

10 As stated, I would be -- based off of  
11 what I know and how I call on accounts and the  
12 times I've called on accounts, I can safely say it  
13 was over 100.

14 Beyond that, I can't give you an exact  
15 answer.

16 Q In 2011, do you know how many cigar  
17 consumers with whom you spoke?

18 A Same answer as I gave for 2010.

19 Q In the year 2012, do you know with how  
20 many cigar consumers you spoke?

21 A Same answer as I gave for 2010 and  
22 2011.

23 Q For 2013 to 2019, is your answer the  
24 same?

25 A My answer would be the same,

1 Mr. Frank, yes.

2 I had the interactions. I can't give  
3 you the exact numbers of interactions.

4 Q In 2020, with how many cigar consumers  
5 did you speak?

6 A Unfortunately, this has been a tough  
7 year for that with restriction in travel. I would  
8 say less than 100 for sure, maybe less than 50.

9 The pandemic, obviously, has created a  
10 whole lot of new challenges for us.

11 Specifically, our brick-and-mortar  
12 community was shut down for almost three months  
13 for the most part, and then we put company travel  
14 restrictions in as well.

15 So we haven't been out in the streets  
16 like we'd like to.

17 Q Did you take any notes on your  
18 conversations with cigar consumers while they were  
19 happening at any point in between 2008 and the  
20 present?

21 MR. NADING: Object to form of the  
22 question, outside the scope of this  
23 witness's trial testimony.

24 A It's not my practice to take notes  
25 when I'm engaging with consumers.

1                   Again, you have to understand the  
2                   nature of this business. It's not -- in a lot of  
3                   ways, it's anticorporate.

4                   They want to have a conversation with  
5                   you. They want to engage with you around the  
6                   nature of cigars.

7                   They don't want to necessarily see you  
8                   sitting there taking notes about what they're  
9                   saying.

10                Q       Did you memorialize any of your  
11                interactions with cigar consumers with whom you  
12                met at any point in 2008 to the present after the  
13                fact in any written document?

14                   MR. NADING: Object to form of the  
15                   question, outside the scope.

16                A       No, I did not.

17                Q       Now, the only location you identify in  
18                your declaration where you met cigar consumers was  
19                at retail account stores.

20                   Is that correct?

21                   MR. NADING: Object to form of the  
22                   question.

23                A       Well, I think I said, for example,  
24                when I visit retail account stores.

25                Q       Okay. Are these retail account stores

1 the specialty cigar stores that you mentioned  
2 previously?

3 A Yes.

4 Q And how many of your interactions with  
5 cigar consumers took place at these specialty  
6 cigar stores in 2008?

7 A I don't recall the percentages --

8 MR. NADING: Object to form of the  
9 question.

10 A I don't recall the percentages of my  
11 engagement of consumers that took place in the  
12 retail stores.

13 Q Do you recall what percentage of your  
14 interactions with cigar consumers took place at  
15 these specialty cigar stores for any year in  
16 between 2009 and the present?

17 MR. NADING: Object to form of the  
18 question.

19 A No, I do not.

20 Q Did any of these interactions with  
21 cigar consumers take place at liquor stores at any  
22 point in between 2008 and the present?

23 A I do not recall.

24 Q Did any of these interactions with  
25 cigar consumers take place at gas stations at any

1 point in between 2008 and the present?

2 A My gut would say no.

3 I don't fully recall; but my gut would  
4 say no, because we don't spend a lot of time in  
5 gas stations, for the simple reason they're not  
6 normally selling premium handmade cigars. They  
7 tend to sell the mass-market cigars, the Swisher  
8 Sweets, the Blunts.

9 So, no, I would say no, probably not.

10 MR. FRANK: Off the record.

11 (Discussion off the record.)

12 BY MR. FRANK:

13 Q Did any these interactions with cigar  
14 consumers take place at nonspecialty cigar stores  
15 in 2008?

16 A I can't be sure that I didn't have a  
17 discussion with somebody outside a retail  
18 organization in 2008. I don't recall.

19 Q How about for the years between 2009  
20 and 2018; did any of your interactions with cigar  
21 consumers take place at nonspecialty cigar stores?

22 A There's a good --

23 MR. NADING: Sorry, Mr. Richter.

24 Object to form of the question.

25 A There's a good chance I had a

1 discussion with cigars, for example, on -- like  
2 somebody on the driving range at the golf course,  
3 around cigars. Once they find out the business  
4 I'm in, they're curious.

5 But I can't tell you exactly how many  
6 different conversations I've had outside a retail  
7 environment.

8 Q Can you say in what years those  
9 conversations occurred outside the specialty cigar  
10 store environment?

11 A How about I say --

12 MR. NADING: Object to form of the  
13 question.

14 A How about it's safe to say I had at  
15 least one conversation with a consumer outside a  
16 retail environment about cigars in those given  
17 years.

18 Q Okay. How about in 2019; how many  
19 conversations outside the specialty cigar store  
20 did you have with cigar consumers?

21 MR. NADING: Object to form of the  
22 question.

23 A Again, I'd say it's safe to say I had  
24 at least one. I don't recall every conversation.

25 Q And in 2020, how many conversations

1 with cigar consumers did you have outside of the  
2 specialty cigar store market?

3 MR. NADING: Object to form of the  
4 question.

5 A Safe to say at least one. Had one  
6 last week.

7 Q And which store was that -- strike  
8 that.

9 At which location was that?

10 MR. NADING: Objection. Object to  
11 form of the question.

12 Q Which location was your interaction  
13 with a cigar consumer in 2020?

14 MR. NADING: Object to form of the  
15 question.

16 A It was on a golf driving range, golf  
17 course driving range.

18 Q Okay. Can you recall -- outside of  
19 the one interaction with a cigar consumer at the  
20 driving range, can you recall any other  
21 interactions with cigar consumers outside of the  
22 specialty cigar store environment in 2020?

23 MR. NADING: Object to form of the  
24 question.

25 A No, not really.



1                   And truthfully, I'm not even sure the  
2 gentleman that I had the discussion with was a  
3 cigar smoker. He just had an interest in cigars.

4           Q       Did any of your interactions with  
5 cigar consumers take place at newspaper stands  
6 selling tobacco products in 2008?

7                   MR. NADING: Object to form of the  
8 question.

9           A       I can say I've never had a  
10 conversation with anybody at a newspaper stand.

11           Q       How about that includes the years 2009  
12 to the present?

13           A       That's correct.

14           Q       Other than your interactions with  
15 cigar consumers at the specialty cigar stores and  
16 the one interaction with an individual on the golf  
17 range in 2020, can you identify any other  
18 locations where you interacted with cigar  
19 consumers between 2008 and the present?

20                   MR. NADING: Object to form of the  
21 question.

22           A       No, not really.

23           Q       Are there some cigar smokers that only  
24 purchase cigars via the internet?

25                   MR. NADING: Object to form of the

1 question.

2 A I really can't answer that question.

3 We don't have a lot of good dataset  
4 from a purchasing perspective. Even our sister  
5 company I don't believe can even tell you straight  
6 up if a consumer is solely buying from the  
7 Internet.

8 The experiences that I have with  
9 talking to different people would say that they  
10 buy multiple channels -- so internet,  
11 brick-and-mortar retail.

12 I guess it's like anything else,  
13 Mr. Frank. It depends on what your needs are at  
14 that point.

15 Do you want instant gratification, or  
16 do you want to wait three days for something to  
17 show up at your front door?

18 So I don't have that answer.

19 Q Do you know how frequently any of the  
20 cigar consumers with whom you spoke at these  
21 specialty cigar stores, how frequently they bought  
22 cigars in a given year?

23 MR. NADING: Object to form of the  
24 question.

25 A So that's not typically a question

1 we're asking or the type of discussions we're  
2 engaged with when we're talking with consumers.

3 Most of the time when we talk to  
4 consumers, they want to talk about the blends of  
5 the cigar. They want to tell us what they know  
6 about the cigar.

7 They're a highly educated consumer  
8 group. They get really excited about sharing how  
9 much knowledge they know about cigars and how much  
10 knowledge they know about our cigars.

11 They're not really interested in  
12 telling us about how many times they're purchasing  
13 cigars a month, a year, a day, a week.

14 It's a unique consumer group; and  
15 until you've spent some time around them, it's  
16 really hard to understand the DNA and the makeup  
17 of this consumer base.

18 Q And do you know for how long any of  
19 the consumers with whom you spoke at any point in  
20 between 2008 and the present had been smoking  
21 cigars?

22 MR. NADING: Object to form of the  
23 question.

24 A Again, we don't -- that's not the type  
25 of questions or dialogue we get into.

1                   You know, I guess you -- and it's even  
2                   hard to tell by the demographics.

3                   You might have folks that are, you  
4                   know, in their late 50s, early 60s, that just got  
5                   into cigar smoking, or you might have younger  
6                   folks that just got into it.

7                   So, no, I can't even begin to give you  
8                   an answer around that question.

9                   Q       Do you know how many cigar consumers  
10                  with whom you spoke directly had just gotten into  
11                  cigar smoking?

12                  MR. NADING: Object to form of the  
13                  question.

14                  A       No, I do not. No, I do not.

15                  Q       Do you know if any of the cigar  
16                  consumers with whom you spoke had just gotten into  
17                  cigar smoking?

18                  MR. NADING: Same objection.

19                  A       No, I do not.

20                  Q       Do you know if any of the cigar  
21                  consumers with whom you spoke at any point in  
22                  between 2008 and the present at these specialty  
23                  cigar stores, do you know if they read Cigar  
24                  Magazine?

25                  A       Again, we don't typically get into the

1 personal habits.

2 Yeah. I mean, I really can't answer  
3 that question.

4 Q Do you know -- strike that.

5 Do you know -- strike that again.

6 For the cigar consumers with whom you  
7 spoke in between 2008 and the present at these  
8 specialty cigar stores, do you know if any of them  
9 read cigar -- books on cigars?

10 MR. NADING: Object to form of the  
11 question.

12 A Again, Mr. Frank, we really don't have  
13 those types of discussions, you know, with the  
14 consumer, around what they're doing or not doing,  
15 reading books, magazines, or so forth.

16 Our typical discussions are around the  
17 cigars, the components of the cigars, the cigar  
18 makeup -- you know, the blend, the wrapper filler  
19 binder -- how they perceive the cigars, the taste  
20 profile.

21 We're not getting into discussions  
22 around, hey, I sit around and read these books and  
23 magazines. That's just not what the interactions  
24 are like.

25 And again, you have to understand the

1 culture when you're in those lounges and what it's  
2 all about.

3 Q And how many of your conversations  
4 with cigar consumers lasted more than one minute?

5 MR. NADING: Object to form of the  
6 question.

7 A I don't have an answer for you.

8 Q Do you know how many of your  
9 conversations with cigar smokers lasted more than  
10 two minutes?

11 MR. NADING: Same objection.

12 A Yeah. No, Mr. Frank, I don't have an  
13 estimate of how long I've been speaking with  
14 consumers -- whether it's one minute, two minute,  
15 10 minute, 20 minute. It's not something I keep  
16 track of.

17 Q You state in paragraph 26 of your  
18 declaration that sometimes consumers ask about  
19 General Cigar's Cohiba cigar during these  
20 interactions.

21 Is that correct?

22 A Yes. Yes.

23 Q In how many of your interactions with  
24 cigar consumers in 2008, did the cigar consumer  
25 ask about General Cigar's Cohiba cigar?

1 MR. NADING: Object to form of the  
2 question.

3 A I can't give you an exact -- I can't  
4 remember.

5 Q Do you know....

6 In how many of these interactions with  
7 cigar consumers in 2009 to the present, did these  
8 consumers ask about General Cigar's Cohiba cigar?

9 MR. NADING: Object to form of the  
10 question.

11 A I don't remember. I don't remember an  
12 exact number, a range.

13 Q Do you know how frequently any of  
14 these cigar consumers that asked about General  
15 Cigar's Cohiba cigars, how frequently they bought  
16 cigars in a given year?

17 MR. NADING: Object to form of the  
18 question.

19 A I do not.

20 Again, we really don't have any  
21 insights, data into purchasing habits.

22 That information -- you know,  
23 interactions, cash register interactions at the  
24 mom-and-pop on given brands -- that information is  
25 just not available.

1                   So, no, I don't have any insights for  
2                   you.

3           Q       Do you know for how long any of these  
4           cigar consumers that asked about General Cigar's  
5           Cohiba cigars had been smoking cigars?

6                   MR. NADING:  Objection; asked and  
7                   answered.

8           A       Again, we don't have any of the  
9           demographic information on the consumers.  So age,  
10          time smoking, all of that's not available.

11          Q       So do you know if any of these cigar  
12          consumers that asked about General Cigar's Cohiba  
13          cigars, do you know if they read cigar magazines?

14                   MR. NADING:  Object to form of the  
15                   question.

16          A       I think we already crossed that  
17          bridge.

18                   And again, we don't have the insights  
19          if consumers are reading online magazines,  
20          listening to blogs.  We don't have those insights.

21          Q       In your interactions with cigar  
22          consumers in 2008 in which these consumers asked  
23          about General Cigar's Cohiba cigar, did the  
24          consumer ever raise the issue of the Cuban Cohiba  
25          cigar?



1 MR. NADING: Object to form of the  
2 question.

3 A As I stated in my declaration here, I  
4 do not recall a single instance where a consumer  
5 has asked whether General Cigar's cigar was made  
6 by -- excuse me, General Cigar's Cohiba cigar was  
7 made in Cuba or by Cubans or otherwise associated  
8 with a Cuban cigar or a Cuban Cohiba cigar.

9 So the answer is I've never, in my  
10 time, had any situation where anybody has referred  
11 to the Cuban Cohiba.

12 You have to remember, Cuban cigars --  
13 and I think you and I talked about this three  
14 years ago -- Cuban cigars cannot be legally sold  
15 in the United States.

16 Therefore, in retail, in that retail  
17 space, in that retail environment, there is no --  
18 what's the word I'm looking for? -- there's no  
19 relevance to a Cuban cigar. Cuban cigars are  
20 illegal.

21 The cigar consumer today, the trade  
22 today, they are some of the most educated  
23 consumers or merchants in any product category  
24 that I've ever been involved with. They know the  
25 difference.

1                   So the line of questioning where we're  
2                   going around confusion here, there's no relevance,  
3                   because Cuban cigars are illegal to be commerced  
4                   in the United States.

5                   There's no point of reference.  
6                   There's no competition. They're illegal.

7                   Q       In your interactions with cigar  
8                   consumers in 2008 in which the cigar consumer  
9                   asked about the General Cigar Cohiba cigar, did  
10                  you ever raise the issue of the Cuban Cohiba  
11                  cigar?

12                  A       The answer to that would be no.

13                        There's no relevance for me to raise  
14                        the issue of a Cuban Cohiba cigar in the United  
15                        States.

16                        They're illegal. They cannot be sold.  
17                        There's no relevance to have a conversation.

18                  Q       In your interactions with cigar  
19                        consumers in the years 2009 to the present in  
20                        which the cigar consumer asked about General  
21                        Cigar's Cohiba cigar, did the consumer ever raise  
22                        the issue of the Cuban Cohiba cigar?

23                  A       My answer would --

24                        MR. NADING: Object to the form of the  
25                        question. Asked and answered.

1           A           My answer would be the same as with  
2   2008.

3                   The answer --

4           Q           In your interactions with cigar  
5   consumers in between 2009 and the present in which  
6   the cigar consumer asked about General Cigar's  
7   Cohiba cigar, did you ever raise the issue of a  
8   Cuban Cohiba cigar?

9                   MR. NADING:  Objection; asked and  
10   answered.

11          A           No.

12          Q           It says here in the last sentence  
13   of....

14                   MR. FRANK:  All right.  Off the record  
15   for a second.

16                   (Whereupon, a brief recess was taken.)  
17   BY MR. FRANK:

18          Q           It says in the last sentence of  
19   paragraph 26 of your declaration that you've not  
20   been informed from your sales team that General  
21   Cigar's direct accounts have received any comments  
22   from cigar consumers expressing that they thought  
23   the General Cigar Cohiba cigar was owned or  
24   approved by the entity that produces the Cuban  
25   Cohiba cigar or that the two cigars are associated

1 in any other aspect.

2 Is that what it says?

3 MR. NADING: Where are you pointing  
4 to, Counsel?

5 MR. FRANK: The last sentence on  
6 paragraph 26.

7 A What I state in my declaration is  
8 that, from my sales team I haven't been told by  
9 anyone that there's any level of confusion out  
10 there in the marketplace between our cigar and the  
11 Cuban cigar.

12 Q Is it true that your sales team  
13 submits written reports after their visits to  
14 General Cigar's direct accounts?

15 A Not written reports, no.

16 MR. FRANK: I'm going to go off the  
17 record for a second.

18 (Whereupon, a recess was taken from  
19 12:34 p.m. until 12:40 p.m.)

20 MR. FRANK: I'm going to introduce as  
21 Richter Exhibit 7 a true and correct copy of  
22 portions of your discovery deposition,  
23 Mr. Richter, taken on November 2, 2017.

24 (Whereupon, Richter Exhibit 7 was  
25 marked for identification.)

1 BY MR. FRANK:

2 Q Are you able to see that in the chat  
3 function and download it?

4 A Yeah. I downloaded it. I have it  
5 open.

6 MR. FRANK: Mr. Nading, do you have it  
7 downloaded and open?

8 MR. NADING: I have not downloaded it  
9 yet.

10 Counsel, what do you mean by a true  
11 and correct copy?

12 MR. FRANK: This is a copy that we  
13 received from Planet Depos and which  
14 includes an acknowledgment of the deponent  
15 as to the correctness and completeness of  
16 the transcription.

17 MR. NADING: Is it the entirety of the  
18 transcript or just certain excerpts?

19 I still haven't gotten it open yet.

20 MR. FRANK: No; I noted it was  
21 portions of the discovery deposition.

22 MR. NADING: And since I was not a  
23 part of that depo, was there an errata sheet  
24 to that deposition?

25 MR. FRANK: Yes. It's included in

1           this exhibit. It's at the end.

2           MR. NADING: Okay. We would ask that  
3           it would be a complete copy of the discovery  
4           deposition -- which is this date,  
5           November 2, 2017 -- versus an excerpt.

6           MR. FRANK: You can introduce the  
7           complete and ask whatever portion, ask a  
8           question on whatever portion you'd like.

9           MR. NADING: For the record, we object  
10          to this being an excerpt of that discovery  
11          deposition.

12 BY MR. FRANK:

13          Q        Okay. Let me know when you've  
14          completed your review, Mr. Richter.

15                   (Witness reading.)

16          A        Okay. Is there a particular part you  
17          want me to look at?

18          Q        You can look at the last page.  
19                   Is that your signature on the last  
20          page that says "Acknowledgment of Deponent"?

21          A        Yep.

22          Q        And on what date did you sign that  
23          acknowledgment of deponent?

24          A        12/15/17.

25          Q        And does that acknowledgment of

1 deponent indicate that you've read and examined  
2 the foregoing testimony and that it is a true,  
3 correct, and complete transcription of your  
4 testimony?

5 A You're talking what's above. Correct?

6 Q Correct.

7 A I believe so.

8 MR. NADING: Counsel, I will still  
9 reiterate my standing objection to the  
10 appropriateness of this exhibit, that it's  
11 not a complete copy of the discovery  
12 deposition transcript.

13 MR. FRANK: Okay. Your objection has  
14 been noted.

15 MR. NADING: And Counsel, what's the  
16 purpose of this exhibit too? How does  
17 this --

18 MR. FRANK: I'll be asking questions  
19 on it concerning written reports that  
20 Mr. Richter receives from his sales team.

21 MR. NADING: And where, Counsel, does  
22 this relate to in his trial declaration?

23 MR. FRANK: He makes statements  
24 concerning reports that he's received from  
25 his sales team.

1 MR. NADING: Where is that?

2 MR. FRANK: We've just gone over it on  
3 paragraph 26.

4 MR. NADING: And I believe the witness  
5 also talked about -- you asked him about  
6 written reports, and I think he said that  
7 there weren't necessarily written reports.

8 MR. FRANK: I understand.

9 And he testified in his discovery  
10 deposition that there were written reports.

11 MR. NADING: Counsel, this is a trial  
12 examination. This isn't a continuation of a  
13 discovery deposition.

14 MR. FRANK: Okay.

15 MR. NADING: So we have a standing  
16 objection.

17 This is far afield, outside of the  
18 scope of this cross-examination.

19 MR. FRANK: I believe it's been noted  
20 on the -- your objection has been noted on  
21 the transcript.

22 BY MR. FRANK:

23 Q Mr. Richter, can you please turn to  
24 page 6 of your discovery deposition transcript.

25 Let me know when you're there.



1           A       So this one. Right? Not what you  
2 just sent me. My declaration, you want me to go  
3 to page 6.

4           Q       No; the transcript of your discovery  
5 deposition that I just sent you.

6           A       Oh, okay. I'm sorry.

7           Q       Page 6. It's the beginning of the  
8 transcript --

9           A       Okay.

10          Q       -- where it says "Proceeding."

11          A       Page 6.  
12 "Proceeding, whereupon," is that what  
13 you want?

14          Q       Correct. Correct.

15          A       Okay.

16          Q       And do you state during that  
17 deposition that you were going to testify as to  
18 the truth?

19                 MR. NADING: Object to form of the  
20 question.

21          A       Yes.

22          Q       And can you please turn to -- it's the  
23 seventh page of this 11-page document. It's the  
24 58th page of the transcript.

25          A       I have it.

1 MR. NADING: Counsel, I'll note my  
2 standing objection to the entire line of  
3 questioning about this document, which are a  
4 handful of pages excerpted from a discovery  
5 deposition three years ago. Outside the  
6 scope.

7 Q Mr. Richter, on line 10, do you  
8 indicate that individuals from your sales team  
9 submit reports after their visits to customers?

10 A Yes.

11 Q If you read further down to line 17,  
12 up through line 17, it indicates that these are  
13 electronic reports.

14 Is that correct?

15 A Yes. But, Mr. Frank, you just asked  
16 me if my team submits written reports.

17 We don't submit written reports. We  
18 submit -- now we don't even use what we used in  
19 '17. We use salesforce.com, and we track number  
20 of calls that we make.

21 We don't submit written reports like  
22 you just asked me.

23 A written report, to me, is somebody  
24 writes it down, sends it in. That doesn't happen.

25

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

A horizontal bar chart consisting of 20 black bars of varying lengths. The bars are arranged vertically, with the longest bar at the top and the shortest bar at the bottom. The lengths of the bars vary significantly, with some being nearly full-width and others being very short. The bars are arranged in a single column, with the longest bar at the top and the shortest bar at the bottom. The lengths of the bars vary significantly, with some being nearly full-width and others being very short.

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

15 MR. FRANK: Okay. Give me a couple of  
16 minutes, but I believe that my  
17 cross-examination is complete.

18 Off the record.

19 (Whereupon, the deposition recessed  
20 for lunch at 12:52 p.m.)

21 - - -

22

23

24

25

1 A F T E R N O O N S E S S I O N

2 (1:37 p.m.)

3 BY MR. FRANK:

4 Q Mr. Richter, did you speak with anyone  
5 during the break about your testimony here today?

6 A I did not.

7 Q Did you review any documents during  
8 this recent break?

9 A I did not.

10 Q Did you review any documents during  
11 any of the prior breaks?

12 A I did not.

13 Q Did you talk to anyone during any of  
14 the prior breaks about your testimony here today?

15 A I did not.

16 There's nobody here, just me.

17 Q I mean, either personally or by  
18 telephone or email.

19 A No; I didn't have any correspondence  
20 with anybody electronically either.

21



1

[REDACTED]



1

[REDACTED]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1

[REDACTED]



1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[REDACTED]

MR. FRANK: Those are all my  
questions.

MR. NADING: Just before I begin  
redirect, I want to note for the record my  
standing objection to the scope of much of  
the cross-examination today as far as  
exceeding the scope of the trial  
declaration, particularly given that this is  
a Trademark Trial and Appeal Board  
proceeding cross-examination that tracks the  
Federal Rules of Evidence, namely, 402, 403  
and 404; and it also used verbatim questions  
that were asked of Mr. Richter at his  
discovery deposition three years ago that  
had nothing to do with his trial declaration  
submitted in this case.

REDIRECT EXAMINATION

BY MR. NADING:

Q Mr. Richter, do you recall Mr. Frank  
asking you questions about your annual salary  
today?

A Yes.

Q And do you recall Mr. Frank suggesting  
that because of your annual salary and bonuses,

1 you may be a biased witness?

2 MR. FRANK: Objection.

3 A Yes.

4 Q Mr. Richter, is any portion of your  
5 salary contingent on the content that you put in  
6 the trial declaration that's at Exhibit 2 to your  
7 deposition today?

8 MR. FRANK: Objection.

9 A No.

10 Q Is any portion of your salary  
11 dependent on the content of the testimony you have  
12 provided here today?

13 MR. FRANK: Objection.

14 A No.

15 Q Mr. Richter, do you recall Mr. Frank  
16 asking you questions about your annual bonus?

17 A Yes.

18 Q And do you recall Mr. Frank asking you  
19 questions about whether your annual bonus was  
20 variable or discretionary?

21 MR. FRANK: Objection.

22 A Yes.

23 Q Is any portion of your bonus  
24 discretionary based on the content of your trial  
25 declaration that appears at Exhibit 2?

1 A Absolutely not.

2 MR. FRANK: Objection.

3 MR. NADING: What's the basis for your  
4 objection, Counsel?

5 MR. FRANK: Leading.

6 Q Is any portion of your bonus  
7 discretionary based on the content of your  
8 testimony here today?

9 MR. FRANK: Objection.

10 A Absolutely not.

11 MR. NADING: And Counsel, what's your  
12 basis again for your objection?

13 MR. FRANK: Leading.

14 MR. NADING: Obviously, we disagree  
15 with those bases.

16 MR. FRANK: We disagree with a lot of  
17 the objections that have been placed here  
18 today.

19 BY MR. NADING:

20 Q Mr. Richter, do you recall testifying  
21 a couple times today that it was unlikely that  
22 General Cigar Cohiba cigars would be sold in many  
23 gas stations like Wawa?

24 MR. FRANK: Objection.

25 A Yes.



1 Q Can you explain why that is?

2 A Really has to deal with the  
3 positioning of the brand today.

4 Today the Cohiba brand is all about  
5 luxury, it's all about aspiration. It's not a fit  
6 for the gas station. The price points today would  
7 be significantly high versus the average  
8 consumable ring in a gas station.

9 It's not a fit for us today.

10 Q Mr. Richter, do you recall Mr. Frank  
11 asking you questions about, quote, newspaper  
12 stores and, quote, newsstands?

13 A Yes.

14 MR. FRANK: Objection.

15 Q Is it likely that Cohiba cigars are  
16 sold at newspaper stores or newsstands?

17 MR. FRANK: Objection.

18 A Specifically newsstands as I think of  
19 a newsstand on the corner in New York City, it's  
20 pretty unlikely you'd find premium cigars there in  
21 the first place, based off of my experience, but  
22 even more so, you probably wouldn't find Cohiba  
23 cigars.

24 When I referred to news stores, I gave  
25 reference to one store that I know of in Oregon, I

1 believe it was in the Portland area, that sells  
2 magazines, although those have been phasing out.

3 I know Mr. Frank's rattled off some  
4 names of stores, and the name of the stores may  
5 lead one to think that they're a news store, but  
6 my experience is you're not finding old  
7 traditional newspaper stores, as he put it,  
8 selling premium cigars.

9 Q Earlier Mr. Frank asked you, quote --  
10 and this is coming from the rough transcript,  
11 so -- do you state in your declaration about  
12 50 percent of the customers you meet with  
13 physically each year are at the retail operation?

14 And you responded that besides this  
15 year, quote, I'm normally two or three weeks out  
16 on the road, and so I have that opportunity  
17 working with our sales organization to go into the  
18 retail outlets and see folks that maybe I didn't  
19 see at the show or have on to -- don't come to the  
20 show, get a chance to interact with their staff  
21 and the ownership in a different way.

22 Do you recall that, more or less?

23 MR. FRANK: Objection.

24 A Yes.

25 Q I just want to make sure I'm

1 understanding the metric that you are referring to  
2 when you testify that you are normally out on the  
3 road two to three weeks.

4 Is that every year, or is that more  
5 frequently?

6 MR. FRANK: Objection.

7

1

[REDACTED]

10 Q Thank you, Mr. Richter. That's what I  
11 was unclear about. I wasn't sure if you were  
12 saying year or month.

13 But your testimony is month.

14 Is that correct?

15 A Month. That's correct.

16 It's month -- two to three weeks a  
17 month on the road visiting customers with the  
18 different businesses that we have today.

19 Q Mr. Richter, do you recall Mr. Frank  
20 asking you whether you reviewed any of General  
21 Cigar's social media channels in preparing your  
22 trial declaration?

23 MR. FRANK: Objection.

24 A Yes.

25 Q Does General Cigar sell any cigars

1 direct to consumers from its social media  
2 channels?

3 A No.

4 Q And would that include Facebook?

5 A Yes.

6 Q And would that include Twitter?

7 A Yes.

8 Q And would that include Instagram?

9 A Yes.

10 Q Just before we broke for lunch,  
11 Mr. Frank was asking you a series of questions  
12 about executional reports that were generated on  
13 Excel by General Cigar.

14 Do you recall that?

15 A Yes.

16 Q Are those electronic executional  
17 reports the only interactions you have with your  
18 sales representatives and regional managers over  
19 the course of a given year?

20 A No.

21 Q So if there were occasions where your  
22 sales representatives heard from either a direct  
23 account or a consumer that there was any confusion  
24 between the ownership of or association between  
25 the General Cigar Cohiba cigar and the Cuban

1 Cohiba, you would have heard about it from them  
2 through means other than the electronic reports.

3 Is that correct?

4 MR. FRANK: Objection.

5 A Yes.

6 MR. FRANK: Leading, compound, vague.

7 A And I can give you an example, is on  
8 the trade with one of our region managers and  
9 sales reps just last Tuesday in North Carolina  
10 visiting accounts.

11 Q So the representative was visiting the  
12 accounts, is that correct, based on the example  
13 you just provided?

14 A The representative was visiting the  
15 accounts, and her region manager and myself were  
16 working alongside her.

17 Q And you spoke with her on the phone  
18 and not --

19 A No, I was physically with her.

20 Q Got it.

21 And so this is outside of an  
22 executorial report.

23 Is that correct?

1

[REDACTED]

13 Q Mr. Richter, if you look at  
14 paragraph 24 of your declaration, in the fourth  
15 sentence, you write, quote:

16 Although I am unaware of  
17 anyone on the General Cigar sales team who  
18 has been asked by a direct account whether  
19 there's an association between the General  
20 Cigar COHIBA and the Cuban Cohiba, if a  
21 direct account does -- did pose such a  
22 question, team members would certainly  
23 inform the direct account that no such  
24 connection exists.

25 Do you see that?

1 A I do.

2 Q How do you know that?

3 A How do I know that they would inform  
4 us?

5 Q Correct.

6 A Well, if they ran into a problem like  
7 that and it was an apparent issue, they would  
8 notify their region manager. Their region manager  
9 then would notify myself that the team had run  
10 into some issues around this piece.

11 Q And Mr. Richter, I apologize. I  
12 think -- I realized, after you asked for  
13 clarification -- what I was asking about, your  
14 statement in paragraph 24 says:

15 If a direct account did pose  
16 such a question, team members would  
17 certainly inform the direct account that  
18 no such connection exists.

19 And my question for you is: How do  
20 you know that, that the team members would do  
21 that?

22 A Because we have cigar professionals.

23 They fully understand our brands, what  
24 our brands are, what our equities are. They  
25 understand the difference between Cuban cigars,



1 nonCuban cigars.

2 They understand that, along with the  
3 key trade members, that selling Cuban cigars in  
4 the United States is illegal.

5 Cuban cigars have not been commerced  
6 in the United States since the enactment of the  
7 embargo back, what, 50-plus years ago.

8 Q And Mr. Richter, if you look at  
9 paragraph 25 of your declaration, you also state:

10 In addition, I am not aware of  
11 any evidence that potential United States  
12 consumers of the COHIBA cigar are confused  
13 into believing that there is a connection  
14 between that non-Cuban cigar and the Cuban  
15 Cohiba cigar.

16 Do you see that?

17 A I do.

18 Q Is that true and correct?

19 A That is true and correct.

20 Q And in paragraph 26 of your  
21 declaration, you state:

22 Nor have I been told by anyone  
23 on the General Cigar sales team that they  
24 have met a consumer who has asked such a  
25 question or otherwise demonstrated any

1           confusion regarding the origin of the  
2           General Cigar COHIBA cigar.

3                     Do you see that?

4           A        I do.

5           Q        How do you know your team would have  
6           informed you of such conversations if they did  
7           exist?

8           A        Through our interactions with our  
9           organization.

10                    I mean, between myself and the region  
11           managers, our director of retail, we all are in  
12           constant contact.

13                    And as I said, if something like this  
14           was to come up, it would make its way up to the  
15           chain in the appropriate way.

16           Q        If you look at paragraph 22 of your  
17           declaration, the first sentence says that,  
18           annually, you would personally meet with  
19           approximately 200 customers physically.

20                    Is that correct?

21           A        Correct.

22           Q        And in the second sentence, you say  
23           typically you meet retail accounts at the store  
24           level.

25                    Is that correct?

1 A That's correct.

2 Q On the third sentence, you go on to  
3 state:

4 Historically, I've met about  
5 50 percent of General Cigar top direct  
6 accounts -- I think that may be a typo --  
7 the annual trade show and the other  
8 50 percent at their retail operations.

9 Is that correct?

10 A That's correct.

11 Q A typo meaning, it looks like there  
12 should be an "at" missing there.

13 A Yeah.

14 Q And in the last sentence, you say:

15 These numbers fluctuated from  
16 year to year.

17 Is that correct?

18 A That's correct.

19 Q If you look over at your paragraph 26  
20 of your declaration, in your first sentence you  
21 state:

22 In addition to the 200 or so  
23 direct account customers I meet with  
24 annually, I talk to a significant number  
25 of cigar consumers, for example, when I

1 visit retail account stores.

2 Is that correct?

3 A That is correct.

4 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

25 Q Do you recall Mr. Frank asking you a

1 series of questions about accounts you physically  
2 visited?

3 A Yes.

4 Q Is it fair to say that your sales team  
5 has physically visited more accounts in a given  
6 year than you do?

7 MR. FRANK: Objection.

8 A Absolutely. That's their  
9 responsibility.

10 They're the front line of General  
11 Cigar and our direct customers, followed by their  
12 region managers, then bubbles up to the director  
13 of our field sales business, and then obviously in  
14 to me.

15 Q So indeed isn't it true, looking at  
16 paragraph 21 of your declaration, that each of  
17 General Cigar's 3,500 or so direct accounts would  
18 be, quote, visited at least once a quarter?

19 MR. FRANK: Objection.

20 A Yes. We say in this document  
21 approximately once a quarter; but as we say a  
22 little bit farther down in that paragraph, it  
23 really depends on the account.

24 Our best in top accounts -- and again,  
25 how we define "top account" could vary -- we'll

1 see them once a month.

2 If you look down in the next level,  
3 maybe they're once every other month.

4 And then of course, that takes you to  
5 once per quarter.

6 This is a relationship-building  
7 business.

8 Q Do those visits include physical  
9 visits and calls?

10 A Absolutely. The --

11 MR. FRANK: Objection. Objection.

12 A Absolutely. Those accounts -- if it's  
13 a phone call, it's typically a follow-up call  
14 where we couldn't get the decision-maker on the  
15 physical visit.

16 We want our team to be visiting the  
17 accounts physically; and therefore, a phone call  
18 would only be in the essence of follow-up.

19 Q And is it correct that each account is  
20 visited regardless of the account size?

21 MR. FRANK: Objection.

22 A That's correct.

23 We classify our accounts A, B, C, D  
24 accounts; and that's why a D account today is  
25 probably once a quarter.

1                   An A account is going to be once a  
2           month.

3           [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8           Q       So even if you don't recall physically  
9           visiting certain stores, is it correct that if  
10          they were a General Cigar direct account, a member  
11          on your sales team would have visited them?

12                   MR. FRANK:  Objection.

13           A       That is correct.

14           Q       Is it correct that either you or your  
15          team visits accounts and has a sense of what's  
16          going on on the street regardless of whether or  
17          not they were, as Mr. Frank called them, top  
18          accounts?

19                   MR. FRANK:  Objection; leading,  
20          basically giving the testimony.

21           A       Absolutely.

22                   And that comes from knowing the  
23          accounts and knowing their account base and again  
24          those relationships they have with the owners.

25                   You know, I keep stressing

1 relationship. This is a relationship business,  
2 and the relationships that our sales organizations  
3 have with these accounts is important.

4 And because we show up, like many  
5 others that don't show up, it helps us be more  
6 successful.

7 Q Mr. Richter, do you recall Mr. Frank  
8 introducing Annex A to your declaration as an  
9 exhibit today?

10 A I do.

11 Q Before signing your declaration, your  
12 trial declaration, did you review the documents  
13 compiled in Annex A?

14 A I looked through them. I didn't go  
15 into excruciating details.

16 I have to assume that what's provided,  
17 particularly from my finance community and from my  
18 ComEx, community is correct.

19 Q And is it correct that the documents  
20 that are Annex A are maintained in the ordinary  
21 course of business?

22 MR. FRANK: Objection.

23 A I believe so, yes.

24 MR. NADING: Mr. Frank, I have no  
25 further questions.



1 I want to put on the record that the  
2 witness will read and sign the transcript  
3 when it's available.

4 MR. FRANK: Okay. I may just have one  
5 or two cross, recross. Just give me five --  
6 let's give ten minutes. Let's come back at  
7 2:15.

8 MR. NADING: 2:15. Okay.

9 MR. FRANK: Yeah. Off the record.

10 (Whereupon, a recess was taken from  
11 2:04 p.m. until 2:15 p.m.)

12 MR. FRANK: I have no more questions.  
13 Thank you, Mr. Richter.

14 THE WITNESS: Thank you.

15 - - -

16 (Witness excused.)

17 - - -

18 (Deposition concluded at 2:16 p.m.)

19 - - -  
20  
21  
22  
23  
24  
25

CERTIFICATE

I, SUSAN ASHE, a Registered Merit Reporter and Notary Public, hereby certify that the foregoing is a true and accurate transcript of the deposition of said witness, who was first duly sworn by me on the date and place hereinbefore set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel, nor related to or employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

Dated this 25th day of November 2020.



---

Susan Ashe, Notary Public

for the Commonwealth of Virginia

My commission expires: January 31, 2024.

Registration Number: 100809.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ERRATA SHEET FOR THE TRANSCRIPT OF:

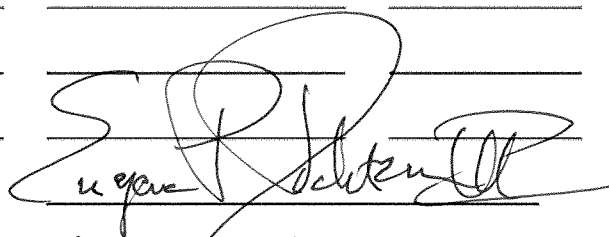
Case Name: Empresa Cubana Del Tabaco d/b/a  
Cubatabaco

Dep. Date: November 24, 2020

Deponent: Eugene Paul Richter, III

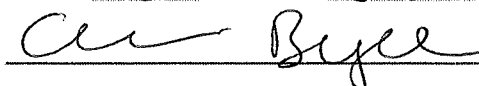
Pg.	Ln.	Now Reads	Should Read	Reason
-----	-----	-----------	-------------	--------

"NO CHANGES"

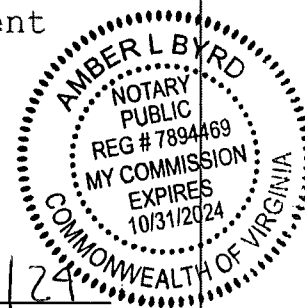
  
Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS 23 DAY OF December, 2020.



(Notary Public) MY COMMISSION EXPIRES: 10/31/24





**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS





**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS





**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS





**ESQUIRE**  
DEPOSITION SOLUTIONS





**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS





**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS





**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS





**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS



**ESQUIRE**  
DEPOSITION SOLUTIONS





**ESQUIRE**  
DEPOSITION SOLUTIONS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----X  
EMPRESA CUBANA DEL TABACO, d.b.a. :  
CUBATABACO, :  
 :  
Petitioner, :  
 :  
v. :  
 :  
GENERAL CIGAR CO., INC. and CULBRO :  
CORP., :  
 :  
Respondents. :  
-----X

Cancellation No. 92025859

**Petitioner's**

**Exhibit 1**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.

**NOTICE OF ELECTION TO ORALLY CROSS-EXAMINE**  
**EUGENE PAUL RICHTER, III**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT pursuant to TBMP 703.01(e) and 37 C.F.R. §  
2.123(a)(1), Petitioner, Empresa Cubana del Tabaco d.b.a. Cubatabaco ("Cubatabaco"), by and  
through its undersigned counsel, hereby provides notice of election to orally cross-examine  
Eugene Paul Richter, III via video conferencing commencing at 10:00am on a date to be  
determined by mutual agreement between the parties on or before December 18, 2020, as  
provided by the Board's current schedule. 252 TTABVUE. The cross-examination will be taken  
before an officer authorized by law to administer oaths and recorded using audiotape and/or

stenographic means.

Dated: October 15, 2020

Respectfully submitted,

/Lindsey Frank/

Michael Krinsky

David B. Goldstein

Lindsey Frank

RABINOWITZ, BOUDIN, STANDARD,

KRINSKY & LIEBERMAN, P.C.

14 Wall Street, 30<sup>th</sup> Floor

New York, New York 10005

(212) 254-1111

[lfrank@rbskl.com](mailto:lfrank@rbskl.com)

*Attorneys for Petitioner Empresa Cubana del  
Tabaco d.b.a. Cubatabaco*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was sent to the individual(s) listed below *via* electronic mail this 15<sup>th</sup> day of October, 2020:

Andrew L. Deutsch  
DLA Piper US LLP  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 335-4673  
[andrew.deutsch@dlapiper.com](mailto:andrew.deutsch@dlapiper.com)

/Lindsey Frank/

---

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COIIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
GENERAL CIGAR CO., INC.,	:	
	:	
Respondent.	:	
	:	
-----	X	

**Petitioner's**

**Exhibit 2**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.

Cancellation No. 92025859

**DECLARATION OF EUGENE PAUL RICHTER, III**

EUGENE PAUL RICHTER, III declares under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am the Vice President of Sales at General Cigar Co., Inc. (“Respondent” or “General Cigar”) and have been held this title at General Cigar for approximately twelve years (since 2008). I have personal knowledge of the facts set forth below, and if called upon to testify, I could, and would, do so competently.

2. I graduated from the University of Wyoming in 1987 with a Bachelor of Science degree in Business Administration. Prior to joining General Cigar in 2008, I had approximately twenty years of sales experience in consumer products, including at: E & J Gallo Winery, Group Danone, North America, Allied Domecq PLC, and Coors Brewing Company.

3. When I joined General Cigar in 2008, I was sent to our factories in the Dominican Republic for a hands-on, week-long training to learn about our tobacco leaf and tobacco production processes from factory personnel for General Cigar’s primary cigar brands, including Macanudo, COHIBA, and Partagas. This first-hand experience, which taught me how General Cigar manufactures its main cigar brands, enabled me to better sell General Cigar cigars to our clients. To this day, many of General Cigar new hires in the sales and marketing divisions of General Cigar travel to General Cigar’s factory in the Dominican Republic to receive a similar hands-on training.

4. As Vice President of Sales at General Cigar, among other responsibilities identified below, I primarily oversee the sales and distribution of General Cigar cigars and manage the execution of annual sales activation plans for each brand of cigar. Since June 2019, I have also overseen the sale and distribution of Scandinavian Tobacco Group’s (General Cigar’s parent company) Lane Limited pipe tobacco business.

5. I report directly to the President of General Cigar, currently Regis Broersma (previously Alan Willner—on an interim basis—and Dan Carr), and have reported directly to the President of General Cigar since joining the company in 2008.

6. General Cigar has approximately [REDACTED] direct accounts. A direct account is an account that purchases General Cigar's cigars directly from General Cigar. A threshold requirement to qualify as a direct account is the ability to carry and sell roughly [REDACTED] General Cigar SKUs. The most popular brands that we sell to direct accounts include Macanudo, Punch, COHIBA, and CAO—which we internally call General Cigar's "champion" brands. General Cigar's champion brands receive the highest levels of promotion and attention of all of General Cigar's brands. Our other cigar brands are grouped into "challenger" and "contender" categories.

7. General Cigar categorizes its direct accounts into channels, including: (i) Internet and Catalog; (ii) Retailer; (iii) Liquor; (iv) Distributors; and (v) contract manufacturing.

8. Some of General Cigar's largest accounts by category, many of which overlap with General Cigar's national accounts, include:

9. **Internet / Catalog**—Cigars International, JR Cigars, Thompson Cigars, Famous Cigars, Mike's Cigars.

10. **Distributors**—Kretek International, Inc., Arango Cigar Company, and JMG International, Inc.

11. **Retail**—Davidoff of Geneva, Pleasant Smoke Shop, JML Wholesale, Inc., Casa de Montecristo, and Corona Cigar Co.

12. **Liquor**—Total Wine, Spec's, ABC Liquors.

13. General Cigar's Internet / Catalog, Retail, and Liquor direct account channels sell directly to consumers. General Cigar direct account Distributors, however, do not. Distributors

sell General Cigar cigars to other smaller downstream retailers, which we view as indirect accounts. General Cigar does not receive information from its distributors about the identity of these indirect accounts or sales made by those indirect accounts.

14. There are over [REDACTED] employees in General Cigar's sales team operations. While all of these employees in the sales team ultimately report to me, I have six direct reports. Two of these direct reports are responsible for [REDACTED]. The other four are: (i) the Director of Field Sales GCC (General Cigar Company); (ii) the Director of Strategic Accounts; (iii) Special Project Manager General Cigar; and (iv) Director of Sales M&D Wholesale.

15. The Director of Field Sales GCC has a number of direct and indirect reports. For example, General Cigar has three Brand Ambassadors who report to the Director of Field Sales, including the COHIBA Brand Ambassador—Sean Williams. Brand Ambassadors, like Sean Williams, are tasked with representing their brands to consumers and attend/host various sales events for the brand. In addition, three Regional Sales Managers (East, Southeast, and West) report to the Director of Field Sales GCC. The Regional Sales Managers manage General Cigar's direct sales accounts in their respective regions. Each Regional Sales Manager has approximately 7-8 direct reports who are Premium Sales Managers. General Cigar's Premium Sales Managers promote General Cigar brands at a retail level. The three Regional Sales Managers work with the Premium Sales Managers in their respective regions to build relationships with General Cigar direct accounts (online and brick-and-mortar merchants who sell our cigars) and to educate the accounts as to General Cigar's market approach requirements, merchandising standards, pricing and promotion strategies.

16. The structure I describe above has been modified since I gave a discovery deposition in late 2017. Previously, the three Regional Sales Managers reported directly to me.



Now, they report to the Director of Field Sales GCC. Their responsibilities, however, remain the same and I still communicate regularly with the Regional Sales Managers.

17. The Director of ComEx is a role created since I gave my deposition in 2017. The Director of ComEx is generally responsible for monitoring and communicating business intelligence. The Director of ComEx also oversees General Cigar's sales apparatus, including by tracking overall sales, evaluating the execution of General Cigar's sales activation plans, new cigar launches, and setting sales volume targets. This role consolidates the responsibilities that were previously the responsibility of General Cigar's Director of Sales Operations—a title that no longer exists within General Cigar. The Director of ComEx has approximately 6 direct reports including sales managers, a trade customer manager, and three graphic designers.

18. The Director of Strategic Accounts oversees General Cigar's largest direct cigar accounts by volume, including Cigars International, Mike's Cigars, Thompson Cigars, Famous Cigars, JR Cigars, and Total Wine. National Account Managers report to the Director of Strategic Accounts.

19. Each of the employees in the sales group is responsible for General Cigar's sales for *all* of General Cigar's cigar brands. For each brand, sales employees are trained to understand and promote brand distinctions such as country of origin, blend of cigars, and price points, and how to promote the brand to General Cigar's direct accounts. A significant part of General Cigar's promotion work is to identify the competitor cigars to each of our brands, and to be able to differentiate these competitors from our cigars.

20. With respect to the General Cigar COHIBA brand, its on-shelf competitors include Davidoff, Montecristo, and Padron cigars. In my opinion, Davidoff cigars are the biggest competition to General Cigar COHIBA cigars.

21. My sales team is responsible for visiting all of their assigned General Cigar's direct accounts approximately once per quarter. A visit may be an in-person event (where a General Cigar employee physically visits the direct account's place of business) or a telephone call. Depending on the volume of General Cigar cigars purchased by a direct account or when certain opportunities arise, visits could be more frequent.

22. Annually, I personally meet with approximately 200 customers physically. Typically I meet retail accounts at the store level. Historically, I have met about 50% of General Cigar top direct accounts the annual trade show and the other 50% at their retail operations. These numbers fluctuated from year to year.

23. Since I joined General Cigar in 2008, I have not personally observed or been told by my sales team that any of General Cigar's direct accounts have expressed any confusion as to whether the General Cigar COHIBA cigar is owned by or approved by the entity that produces the Cuban Cohiba cigar, or that the two cigars are associated in any other respect. Nor have I been informed, either from my direct conversations with General Cigar direct accounts or from my sales team, that our direct accounts have received any comments from cigar consumers that expressed confusion of this nature.

24. This is not surprising. Cigar smokers and merchants generally know that under Federal law, it is illegal to sell any Cuban cigar in the United States. The General Cigar sales team knows this as well. There is no competition in the United States between Cuban cigars (including the Cuban Cohiba) and non-Cuban cigars (including the General Cigar COHIBA) cigar in the United States. Although I am unaware of anyone on the General Cigar sales team who has been asked by a direct account whether there is an association between the General Cigar COHIBA and the Cuban Cohiba, if a direct account did pose such a question, team members would certainly

inform the direct account that no such connection exists. Moreover, the appearance of the General Cigar COHIBA cigar is entirely different from the yellow-banded Cuban Cohiba cigar.

25. In addition, I am not aware of any evidence that potential United States consumers of the COHIBA cigar are confused into believing that there is a connection between that non-Cuban cigar and the Cuban Cohiba cigar.

26. In addition to the 200 or so direct account customers I meet with annually, I talk to a significant number of cigar consumers, for example, when I visit retail account stores. In interacting with these customers, I try to ask them questions about General Cigar's cigars. Sometimes consumers ask about General Cigar's COHIBA cigar during these interactions. In these numerous interactions, I do not recall a single instance where a consumer has asked whether General Cigar's COHIBA cigar was made in Cuba or by Cubans, or is otherwise associated with the Cuban Cohiba cigar. Nor have I been told by anyone on the General Cigar sales team that they have met a consumer who has asked such a question, or otherwise demonstrated any confusion regarding the origin of the General Cigar COHIBA cigar.

27. Although my team focuses on General Cigar's top line sales numbers, I regularly receive sales reports that break down General Cigar direct cigar sales by brand and by category. These reports are prepared and maintained by General Cigar's finance group and the Director of ComEx. Attached as **Annex A** are true and correct copies of the annual sales reports for years 2003-2019.

28. The chart below shows General Cigar's annual COHIBA sales to direct accounts, less FET tax and discounts:

Year	General Cigar COHIBA Sales
2007	\$ [REDACTED]
2008	\$ [REDACTED]
2009	\$ [REDACTED]
2010	\$ [REDACTED]
2011	\$ [REDACTED]
2012	\$ [REDACTED]
2013	\$ [REDACTED]
2014	\$ [REDACTED]
2015	\$ [REDACTED]
2016	\$ [REDACTED]
2017	\$ [REDACTED]
2018	\$ [REDACTED]
2019	\$ [REDACTED]

29. The total sales of General Cigar’s COHIBA cigars to direct accounts from 2007 through 2019, less FET tax and discounts, is \$ [REDACTED].

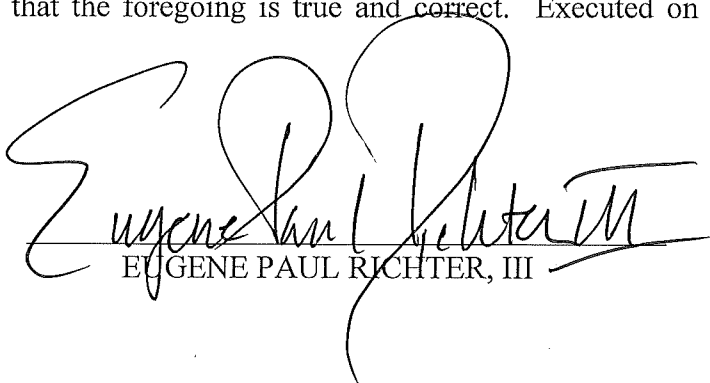
30. During my deposition in 2017, I stated that General Cigar does not sell or distribute its COHIBA cigars for sale outside the United States. While this response was true, I would like to clarify this response to the extent my response was at all unclear. General Cigar *does* sell and distribute for sale its COHIBA cigars to United States territories—including, for example, Puerto

Rico<sup>1</sup>, Guam, and the U.S. Virgin Islands. The sales figures identified in Paragraph 28 above include sales to direct accounts in United States territories.

31. Every year, brand managers for General Cigar prepare brand plans evaluating the promotion and positions of each brand and proposing a sales and promotion plan for the following year. Brand managers will vet promotional ideas and sales targets for each brand with me and my team. Overall, however, the sales team is not involved in the day-to-day preparation of the brand plans. Personally, I have formal meetings with brand managers approximately twice a year to discuss proposed promotions and market execution for the brand plans, and a few additional informal work sessions.

32. The brand plan is presented annually to the President of General Cigar and Scandinavian Tobacco Group for approval. I have attended some of these annual brand plan meetings. After, a brand plan is approved, the Director of ComEx creates "Program Planners" which consolidate the brand plan into executable sales promotions and targets. My team executes this Program Planner throughout the year. Attached as **Annex B** are true and correct copies of Program Planners for the years 2005, 2009, 2012, 2013, 2014, 2015, 2016, and 2017.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 29 2020.

  
EUGENE PAUL RICHTER, III

---

<sup>1</sup> General Cigar has 3 direct accounts in Puerto Rico and provides SKUs to the accounts through the United States Postal Service.

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I have caused to be served a true and correct copy of the foregoing **DECLARATION OF EUGENE PAUL RICHTER, III** by transmitting copies by email to Petitioner's counsel:

Michael R. Krinsky  
Lindsey Frank  
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.  
14 Wall Street, Suite 3002  
New York, NY 10005  
mkrinsky@rbskl.com  
lfrank@rbskl.com

*Attorneys for Petitioner*  
*Empresa Cubana del Tabaco d.b.a. Cubatabaco*

Date: September 29, 2020

/s/ Andrew L. Deutsch  
Andrew L. Deutsch  
*Attorney for Respondent*  
*General Cigar Co., Inc*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**Petitioner's**

**Exhibit 3**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.

Cancellation No. 92025859

**DECLARATION OF ANNALISA MARTINI NO. 3**

**ANNEX 33**

**Name of the Party Offering the Exhibit: Empresa Cubana del Tabaco d.b.a. Cubatabaco**

## Cuba needs me; I need Cuba: Minister of Culture



Fidel Castro exhales cigar smoke during a March 1985 interview at his presidential palace in Havana, Cuba, Heaton wants to be next American Ambassador there. (Charles Tasnadi, AP)



By **Michael Heaton, The Plain Dealer**

**Follow on Twitter**

on September 09, 2015 at 2:03 PM

CLEVELAND, Ohio -- I was recently made aware that our president has not yet named an ambassador to run the U.S. Embassy in Cuba. I think I'm just the guy for the job.

I have never been to Cuba, but it seems like a cool place. There's a lot to recommend it. Consider these fun facts:

- It has no Cleveland-like winters.
- It has no plants or animals that are lethal to humans.
- It is the 17<sup>th</sup>-largest island in the world.
- The national pastime is baseball.
- **Cohiba** and Monte Cristo cigars come from there.



- It has virtually no crime.
- Hitchhiking is not only legal, but it's mandatory for government vehicles to give lifts to hitchhikers.
- Schooling and health care are free.
- It has the highest life expectancy of any country in North or Latin America.
- It has the lowest doctor-to-population ratio in the world.
- The national drink is rum and Coke, aka the **Cuba Libre**.

There hasn't been an American ambassador appointed to Cuba since the United States severed diplomatic relations in January 1961. The American Embassy in Havana was recently reopened. It's a new day of international cooperation. That post needs to be filled, pronto.

I think I would make a great ambassador to Cuba. Here's why:

I have a four-year degree from Kent State University with a major in communications and a minor in journalism. That includes a 2.3 grade point average. I accomplished all that and still saw the Numbers Band three times a week in a basement bar called The Kove.

I took one quarter of Spanish at St. Edward High School. "Hoy es Viernes. Va Felix tambien?" English translation: "Today is Tuesday. Is Felix coming too?" Mr. Faubel thought I was so good in Spanish that I didn't need to take any more than that one class.

I have seen every episode of "I Love Lucy," featuring famous Cuban bandleader **Desi Arnaz** as Ricky Ricardo.

I love Cuban Sandwiches and make a pretty mean one myself. It consists of roasted pork, ham, pickles and yellow mustard on grilled French bread. It should be squished down flat on a George Foreman grill, Panini-style. Yum. If I had to, I could live on those. And what better place to do it than Cuba?

Rum and Cokes? No problema! (See me lapsing back into that high school Spanish?)

My favorite scene in "The **Godfather II**" takes place in Havana on the night of the revolution. That's when Michael Corleone (Al Pacino) learns that his brother Fredo (John Cazale) has betrayed him to one of the other five New York families. Michael grabs his brother on the dance floor in a hotel casino on New Year's Eve, kisses him smack on the lips and says, "Fredo, I know it was you. You broke my heart!" Classic. Pacino and Cazale also teamed up as sad-sack bank robbers in "Dog Day Afternoon."

I'm not a cigar smoker, but I am willing to learn.

I once met **Luis Tiant**, the great Cuban pitcher for the Cleveland Indians who had that crazy wind-up. I will hire him as my second-in-command at the embassy. My aide-de-camp. If he's still alive. If he isn't, I will get someone else.

Andy Garcia, the great Cuban-American actor, is my sister's neighbor in Los Angeles. Love that guy.

My favorite Ry Cooder album is the 1997 "Buena Vista Social Club." It helped launch a new appreciation for the golden age of Cuban music, which took place between the 1930s and 1950s. Cooder was fined for recording in Havana, because he violated the then-existing U.S. trade embargo against Cuba. Wim Wenders also made a documentary film about the recording of the album in 1999, which was nominated for an Academy Award.

"Cuba Libre" is also the name of one of my favorite Elmore Leonard novels.

Not a huge fan of Cuba Gooding Jr., but that's OK, because I think that's just his name and has nothing to do with the country where I want to be assigned as the American ambassador.

Truth be told, the president needs me in Cuba to spearhead this new era of hope and mutual prosperity. So does Fidel (and Raul) Castro. But I don't know. Maybe they can't *handle* the truth.

We'll see. Stay tuned.

---

Registration on or use of this site constitutes acceptance of our **User Agreement** and **Privacy Policy**

© 2016 Advance Ohio All rights reserved (**About Us**).

The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Advance Ohio

**Community Rules** apply to all content you upload or otherwise submit to this site.

**Ad Choices**

A.K.A. THE LIFESTYLE DRAWER

# Your Guide to the Perfect California Drawer

BUYING GUIDES By JEREMY BERGER Photo by ERIC YANG



f you spend the better part of your day sitting at a desk, chances are you have a set of drawers to your right or left, drawers outfitted with some combination of **small object**

FURTHER  
READING

**I** organizers and perhaps a filing system for papers. This seems useful if you don't spend any time thinking about the last time you stapled two things together or held a piece of paper in your hand that had a shelf life of more than an hour. With nothing to file and nothing to staple together, you could eliminate drawers altogether or you could create a *lifestyle drawer*, also known as an *auxiliary drawer* or the *Californiadrawer*, a small controlled environment where you keep things that support your overall work-life mission in a sort of aspirational way, i.e., giving it a nice sheen. This is no space for shitty travel-sized toiletries; barely any of it is essential for day-to-day activities; indeed, some of it is hard to justify owning; but it's your direct link to a life of *Cubancigar* smoking in clean *boxer* briefs with a *knife* or two by your side, plus a lime. Take liberties in outfitting your lifestyle drawer. We did.

TODAY'S  
DEALS SAVE  
n. LIFESTYLE [lahy-  
stahyl]  
OSPREY  
PACK A  
MOON  
WATCH & AN  
XBOX  
17 P  
GIFTS FOR  
THE DIN  
GRE  
GIFTS FOR  
SIGNER



"Californians invented the concept of life-style. This alone warrants their doom." — from *White Noise* by Don DeLillo

THE BEST  
DOWN  
JACKETS OF  
2018

#### The California Drawer Punchlist

**Gerber 39 Series Sheath Folder Knife (\$89)**

American-made knife.

**Douk-Douk knife (\$25)**

Backup knife.

**Uniqlo Boxer Briefs (\$6)**

Backup underwear.

**U.S. Passport (\$110)**

Backup plan.

**Walnut Cocktail Muddler (\$7)**

Takes up the same amount of space as a stapler but unlike a stapler you can use it to make mojitos.

**Lime (\$50)**

Ultramojitos.

**Epicurean Kitchen Scraper (\$10)**

This makes a good cucumber.

**Chef Inox Pastry and Pizza Cutter (\$13)**

This is pretty hard to justify.

**Ray Ban Aviators (\$150)**

**Stanley Shot Glass Set (\$20)**

**Couto Pasta Dentifrica (\$14)**

**Muji Toothbrush (\$4)**

**The Infinite Monkey Theorem Back Alley White Wine (\$5)**

**Tabasco Buffalo Style Hot Sauce (\$4)**

This is a nice basic rule of the lifestyle drawer — no food — but condiments and your won't do any real damage if you leave town for a week.

**Vintage Tiber Press "How do you like your eggs?" Breakfast Invitations (\$1)**

**Titleist Pro V1 Golf Ball (\$55/dozen)**

Put those Top Flites down, partner.

**SOL All-Weather Fire Cubes (\$10)**

**Ogallala Bay Rum Soap Sample (Free w/Purchase)**

You get this sample when you buy the exquisite Ogallala Bay Rum deodorant, which your wife will steal, leaving you with a soap sample.

**Kodak Disposable Waterproof Camera (\$12)**

Sombody ever jacked into the deep end with a Canon SD Mark III.





11/17/2016

#### The Perfect Desk Drawer - Gear Patrol

**Maison Francis Kurdjian Masculin Pluriel (\$185)**

If the building is on fire, take this and leave the rest of your shit behind.

**Kiehl's Oil Eliminator Toner (\$20)**

We're not sure what this is for.

**Mighty Leaf Organic African Nectar (\$24)**

**ICEdot Crash Sensor (\$119)**

This crash sensor alerts friends and emergency responders if you hit your head hard enough to cause damage. Doesn't mean you should be careless about your head, though.

**Field Notes (\$10)**

**SE Spring Bar Tool (\$6)**

**Rotring 600 Mechanical Pencil (\$27)**

**Beyond Coastal Mint Leaf Lip Balm (\$3+)**

All men lose lip balm after the first use. We can't explain it either.

**Cohiba Siglo II (\$70)**

There's still something about smoking a real Cuban.

## Sponsored Content



**The Most Stylish Fall Looks, Sent to Your Door**  
Stitch Fix



**10 Top Ways Your Contact Lenses Will Help You In The Future**  
Health Central



**Grid Girls, Pit Girls photo collection**  
iStockphoto



**The Flash: 15 Facts You Never Knew About The Speed Force**  
Screen Rant

Recommended by Outbrain

## Next Up



<http://gearpatrol.com/2014/07/11/kit-the-lifestyle-drawer/>

3/7

CT0027612

WHAT'S NEW, NOW

## Today in Gear: November 17, 2016

A stylish collection of sweats, a pair of adventurous Californian sunglasses, a heritage Land Rover and much more.

GEAR NEWS

12 GUYS OF CHRISTMAS



SHAKEN, NOT STIRRED

### 17 Perfect Gifts for the Mixologist

The mixologist is always down to celebrate, so make sure their supplies never run dry.

MORE DRINKS

12 GUYS OF CHRISTMAS



FORM MEETS FUNCTION

### 17 Perfect Gifts for the Designer

The best holiday gift ideas for the designer, selected by our experts, to make the 2016 shopping season a breeze.



12 GUYS OF CHRISTMAS



IMMERSIVE APPEAL

### 17 Perfect Gifts for the Mediaphile

The mediaphile is always two steps ahead — so how do you avoid gifting him something that's two holidays behind?

MORE 20 GADGETS FOR MEN



SURVIVAL OF THE MOST PREPARED

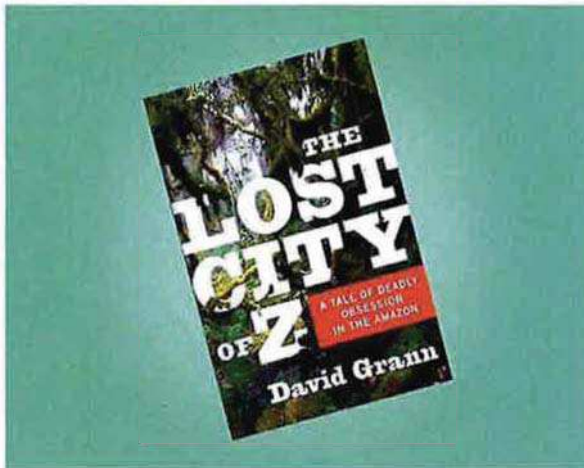
### How to Survive Winter Driving

It takes more than a good set of snow tires. Although that is a good place to start.



WIRE | AN INTERVIEW WITH DESIGNER MARK BRAUN

WIRE | GUIDES



ADVENTURES AT THE END OF THE EARTH

## 5 Great Books About the Beauty and Horror of Backcountry Travel

The best travel stories are captivating models for personal change.

WIRE | ADVENTURES



DEFROST YOUR WINDOWS, HANDS AND BUTT

## 5 Essential Gadgets to Keep Warm in Your Old Car

Don't suffer through a frigid commute — upgrade now and stay warm.

WIRE | GADGET GUIDES



MADE IN THE USA OR NOT, THEY'RE COMING

## A Guide to the American Watch Renaissance

A "Made in the USA" watch, by FTC standards, is almost an impossibility today. But American watches are still more exciting than ever.

WIRE | AMERICAN WATCHES



THANKSGIVING ESSENTIALS

## The Gear You Actually Need to Roast the Perfect Turkey

After you've passed your first Thanksgiving, you'll know: Roasting a bird is the easiest part of dinner. Here's the gear you'll need.

WIRE | EATS



AN ENTIRE TOOL BOX IN THE PALM OF YOUR HAND

## The Best Multitools of 2016

Whether it's to save space in your pack or saving trips back to the tool box at home, a great multi-tool is worth the investment. These are our picks for 2016.

MORE: MULTI-TOOLS

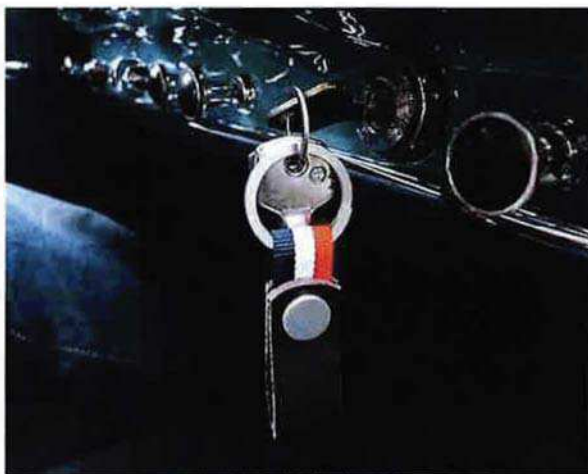


TRAIL BREAKERS

## Conquer Winter with the Year's Best Snowshoes

Glide effortlessly over several-foot-deep powder.

MORE: WINTER GEAR



THE KEY TO ORGANIZATION

## 5 Keychains to Up Your EDC Game

The right keychain can play a crucial role in your arsenal. So make it a good one.

MORE: ESSENTIAL GEAR



GEAR UP

## Pro Snowboarder Jussi Oksanen's 5 Gear Essentials

Anything can happen in the backcountry, so make sure you're prepared.

MORE: ABOUT JUSSI OKSANEN



# GEAR PATROL®

The Spirit of Adventure

ABOUT ADVERTISE PRIVACY CUSTOMER SUPPORT SUBSCRIBE STORE DAILY  
EMAIL RSS INSTAGRAM SNAPCHAT JOBS

<http://gearpatrol.com/2014/07/11/kit-the-lifestyle-drawer/>

6/7

CT0027615



11/17/2016

The Perfect Desk Drawer - Gear Patrol

© MMXVI GEAR PATROL, LLC. INDEPENDENTLY PUBLISHED IN NEW YORK.



# WHISKY LIFE (/TAG/WHISKY-LIFE/)

## Buy Cigars at Auction to Go With Your Whisky

FEBRUARY 5, 2018 | GREGORY MOTTOLA | FROM FALL 2017 ([HTTP://WHISKYADVOCATE.COM/MAGAZINE/FALL-2017-COLLECTING-WHISKY-MORE/](http://WHISKYADVOCATE.COM/MAGAZINE/FALL-2017-COLLECTING-WHISKY-MORE/))



What comes to mind when you hear the word auction? Art? Wine, no doubt. Fine and rare whiskies (<http://whiskyadvocate.com/tag/auctions/>) for sure, but how about cigars?

Much the way whisky lovers are willing to bid five figures on Prohibition-era bottles, cigar connoisseurs are equally passionate about their pre-Castro Cubans. There's a dedicated market for vintage cigars—and it's strong. At auction, boxes of cigars that predate Castro's revolution usually command thousands of dollars.

Like wine and whisky, cigars can appreciate in value and improve with age. Maturity tends to transform the tobacco's acidic qualities into something nutty and sweet in a way that only aging can. This makes them valuable to collectors and enthusiasts. However, vintage cigars can also be an academic window into the past and provide the smoker a snapshot of history through period tobaccos. Old cigars are often made from seed varieties no longer cultivated, so it should come as no surprise that a serious cigar hobbyist would have no problem paying thousands for the opportunity to taste these retired tobaccos.

Cuban Cohibas (<http://cohiba.com/>) from the 1980s and '90s, for example, are covered in dark, oily Corojo wrapper leaves. Though Cuba shelved the Corojo seed long ago due to low yields and susceptibility to disease, aficionados regard this leaf as the gold standard of flavor and complexity. Because of Corojo's inherent savory richness and sublime sweetness, the tobacco aged beautifully—and collectors will pay handsomely for such an experience.

A full box of 25 Cohiba Lanceros made in 1988 recently sold at a London auction for £4,000 (about \$5,150). This is a prime example of a marquee cigar draped in the coveted Corojo wrapper. Cohibas from the '80s and early '90s also tend to score quite high in Cigar Aficionado's Connoisseur's Corner (<https://www.cigaraficionado.com/connoisseurscorner>). A Cohiba Esplendido from 1991 recently scored 97 points, as did a Lancero from 1982.

Cuban Dunhills and Cuban Davidoffs are considered pure platinum in the world of cigar collectibles. They've long been discontinued and only become more valuable each year. Like scotches from shuttered distilleries, Dunhills and Davidoffs are normally the star lots of any cigar auction.

A box of 25 Davidoff Chateau Yquem (circa 1980s) sold for £6,300 (\$8,021), while a lot of only five Dunhill Don Candido Selección No. 506 cigars closed for £970 (\$1,250)—that's about \$250 per cigar. Want a taste of pre-embargo Cuban tobacco? It will require you to reach deeper into your pocket. A chest of 500 Punch Coronas sold for £40,500 (about \$51,564).

This particular auction was held by C.Gars Ltd (<https://www.cgarsltd.co.uk/>) in the UK. If you can't make it over the pond, not to worry; online bidding (<http://onlinecigarauctions.com>) is welcome and they hold auctions a few times a year.

As French wines tend to dominate the top auctions, so do Cuban cigars, but a few non-Cuban brands make it to the auction block as well, primarily Dominican Fuente Fuente OpusX cigars and special humidors from Nicaraguan producer Padrón Cigars Inc.

One of the biggest questions you hear regarding vintage cigars is, "Can you still smoke them?" The answer has a few variables. If the cigars have been kept at steady temperature and humidity for most of their existence, a 30 or 40 year old cigar can still be full of life and offer a very satisfying experience.

Keep in mind that some cigars can age out. Smokes that were mild to begin with are not going to give you much flavor 50 years later, especially if they weren't stored properly. When past their prime, cigars tend to taste dusty, papery, and even, at times, like nothing at all. That doesn't mean that they're worthless. It just means that they're more valuable to collect than they are to smoke, but unless you're an investor where's the enjoyment in that? The real thrill, though far from cheap, comes from pairing the right aged whisky with the perfect aged cigar.

AUCTIONS ([HTTP://WHISKYADVOCATE.COM/TAG/AUCTIONS/](http://WHISKYADVOCATE.COM/TAG/AUCTIONS/))      CIGARS ([HTTP://WHISKYADVOCATE.COM/TAG/CIGARS/](http://WHISKYADVOCATE.COM/TAG/CIGARS/))

DISTILLATIONS ([HTTP://WHISKYADVOCATE.COM/TAG/DISTILLATIONS/](http://WHISKYADVOCATE.COM/TAG/DISTILLATIONS/))      FALL 2017 ([HTTP://WHISKYADVOCATE.COM/TAG/FALL-2017/](http://WHISKYADVOCATE.COM/TAG/FALL-2017/))

WHISKY LIFE ([HTTP://WHISKYADVOCATE.COM/TAG/WHISKY-LIFE/](http://WHISKYADVOCATE.COM/TAG/WHISKY-LIFE/))





**SUBSCRIBE**

## NFL Draft

[Round 1 is tonight. Who will the Cowboys pick, and at what spot?](#)

[Follow our live NFL Draft coverage here.](#)

JOA TRAVEL PHOTOGRAPHER

## 8 swanky London hotels you can afford now thanks to Brexit



*dallasnews.com*, Special Contributor

Get Daily Dallas News Headlines

Sign Up

Don't miss a story. Like us on Facebook.

**LIKE DALLAS NEWS**

[Get Unlimited Digital Access Your first month is less than a dollar. \\$0.99 for first 4 weeks](#)

**SUBSCRIBE NOW**

Thanks to the UK's recent vote to leave the European Union -- a political exodus popularly dubbed [Brexit](#) -- the pound sterling has plummeted. While that might be bad news for our British brethren, it's sparked a Renaissance for American tourists who want to make their dollars stretch further across the pond.

With a few more pounds in your pocket, you might consider checking into one of London's hottest luxury hotels. We've compiled a look at the best. All of them have something new to offer, from recent renovations to restaurant debuts and the latest in technological innovations.



Sparkling chandeliers and a sunny palette of colors make The Withdrawing Room at The Lanesborough a favorite place for afternoon tea.

(

Courtesy The Lanesborough, The Oetker Collection

)

## [The Lanesborough](#)

Imagine the grandeur of a Regency-style mansion, but with 21st century amenities at your fingertips. That's The Lanesborough, which has joined the likes of Le Bristol and Eden Rock as part of the illustrious [Oetker](#)

Collection. In July 2015, this iconic hotel, nestled between Hyde Park and Green Park, emerged from an all-encompassing 18-month renovation.

Every inch of the circa 1830 building was stripped and redecorated to realize interior designer [Alberto Pinto's](#) dream of re-creating the romance of a 19th century home. To imagine the scale of the project, consider the numbers: 300 craftsmen, 42,000 sheets of 23-karat gold leaf, 500 custom-made moldings, three tons of chandeliers and wall sconces, and more than 52,000 feet of fabric, including exquisite silks and jacquards.

But the transformation goes deeper than the decor. Each room and suite -- all of which offer the services of an elegantly attired butler -- is equipped with touch screen pads that operate everything from the lights and drapes to the temperature. Televisions with free on-demand movies are embedded in bathroom mirrors and disguised behind pictures that retract into gold-leafed frames. Phone calls from your room to Europe and the U.S. are free.



The Lanesborough hotel, Regency-style landmark in London's fashionable Knightsbridge neighborhood. Photograph supplied. 02012015xLUXE

There's a new restaurant, as well -- Celeste, restored to Regency-era glory with bas relief moldings and glittering chandeliers. Beneath the original glass dome, guests dine on French-inspired fare overseen by executive chef Florian Favario, who was chosen for the post by three-Michelin-starred chef Patron Eric Frechon of Le Bristol Paris.

The Withdrawing Room remains a favorite for afternoon tea, while The Library Bar serves Cognacs dating to 1760 and cocktails by master mixologist Mickael Perron. There's also a garden room, with a selection of stogies that includes a limited edition [Cohiba](#) hand-rolled by Fidel Castro's personal cigar maker.

One thing that hasn't changed, thankfully, is the gracious and gregarious attitude of the staff. Whether it's your first time here or your 20th (should you be so lucky!), they always welcome you "home."

**Info:** 93 rooms, including 43 suites, from \$705 with English breakfast. [lanesborough.com](http://lanesborough.com).

- The Athenaeum Hotel & Residences has redesigned all its public spaces, including a homey lounge illuminated by double-height windows.
- The Athenaeum Hotel & Residences now offers an outdoor terrace, which is situated across from London's Green Park.  
(Amy Laughinghouse)

### The Athenaeum Hotel & Residences

Just as Hollywood stars opt for the occasional nip and tuck, the Athenaeum Hotel & Residences -- beloved by silver screen stars like Russell Crow, Colin Farrell and the late Robin Williams -- has undergone a multi-million-pound makeover of its public spaces.



In July, the Mayfair landmark unveiled a va-va-voom revamp by [Kinnersley Kent Design](#), whose clients include the Historic Royal Palaces and model Heidi Klum.

Sunlight floods into the lobby lounge and the gallery above, thanks to new double-height windows overlooking a lively terrace facing Green Park. The lounge, kitted out like a midcentury modern living room, flows fluidly into the hotel's freshly-minted culinary magnet, Galvin at The Athenaeum.

Michelin-starred brothers Chris and Jeff Galvin head not only the restaurant, but all dining options, from room service and afternoon tea to nibbles in the chic new bar, where renowned Italian mixologist Giancarlo Mancino has created unique cocktails incorporating his own range of bespoke spirits. The Clay Pot Negroni, featuring Negroni steeped in a handmade clay amphora, is a dark delight, while the Down Street Manhattan is a smoking combination of Four Roses single barrel bourbon and port wine.

**Info:** 164 rooms, including 12 suites, 18 townhouse residences and a rooftop suite. Rooms from \$345. [athenaeumhotel.com](#).

- Dark gray walls and mirrored furnishings create a sense of sensuous opulence in this superior room at The Franklin.  
(The Franklin Hotel)
- The Franklin, where several rooms feature balconies overlooking Edgerton Gardens, opened in August.  
(The Franklin Hotel)

### **[The Franklin Hotel](#)**

Located in fashionable Knightsbridge, a short walk from [Harrods](#) and the [Victoria and Albert Museum](#), The Franklin revealed itself as the epitome of sensual sophistication when it opened in August. Encompassing a trio of Victorian townhouses on Edgerton Gardens, the latest addition to the Italian-based [Starhotels Collezione](#) is the vision of Anouska Hempel -- a former Bond Girl now renowned for her interior design work at hotels like Blakes.

Carrara marble and slate floors, dark gray walls, mirrored furnishings and sumptuous fabrics spin an opulent cocoon. "I love velvet and taffeta, and I'm letting it out and giving it a good shake," explains Hempel, who aims to nurture "a cafe society where anything goes, but you still have to be beautiful and elegant within it."

Just off the lobby, she has created the Cabinet, a cozy, curtained niche lined with velvet banquette seating. "You can hide in here and play games," Hempel says. "It's secretly, wickedly naughty."

This sense of sexy glamour extends into the Franklin Restaurant, where Michelin-starred chef Alfredo Russo oversees seasonal Italian dishes, and the mirror-lined bar, where guests can choose from seven champagnes, 22 varieties of gin and a menu of martinis -- shaken or stirred.

**Info:** 35 rooms and suites, from \$457 per night, including breakfast. [thefranklinlondon.com](#).

- Guests of Eccleston Square Hotel are granted access to leafy, gated Eccleston Square.  
(Amy Laughinghouse)
- Eccleston Square Hotel offers a variety of whizz-bang high-tech amenities, as well as a sleek, tailored aesthetic. Many rooms feature terraces and balconies.  
(Amy Laughinghouse)

### [Eccleston Square Hotel](#)

When it comes to technology that not only looks cool but offers real comfort and convenience, this boutique bolthole, nestled within historic townhouses near Victoria station, is head of the pack. Every room is sleekly tailored in shades of black, white and gray and equipped with a vibrating, electronically adjustable handmade bed, an iPad, a 46-inch 3-D television in the bedroom with a library of more than 100 films, and another TV in the bathroom, where glass walls become opaque at the touch of a button.

In spring, the hotel also began providing guests with a smartphone to use throughout their stay. It includes free calls to the U.S., UK, France, Italy, Spain and Germany, as well as access to map features and all the services you would expect from your mobile phone at home.

Named "London's Luxury Boutique Hotel of the Year" by Corporate Wire's Luxury Travel Guide, the property offers a free minibar if you book with them directly. What's more, guests are afforded rare access to gated Eccleston Square, where luminaries like Winston Churchill once walked among its sun-dappled lawns.

**Info:** 39 rooms, from \$226. [ecclestonsquarehotel.com](http://ecclestonsquarehotel.com).



Brown's Hotel debuted The Kipling Suite in April. Botanical print wallpaper adorns the bedroom walls. (Brown's Hotel, Rocco Forte Hotel)

### [Rocco Forte Brown's Hotel](#)

For lovers of great literature, there's no better place to curl up with your favorite book than the new Kipling Suite at Brown's Hotel in Mayfair.

In April, London's first-ever hotel debuted this 2,077-square-foot space named for [Rudyard Kipling](#), who wrote *The Jungle Book* during one of his many stays here. Designer Olga Polizzi, who founded Rocco Forte Hotels with her brother Sir Rocco Forte, pays homage to the author with tasteful, whimsical touches, like the statue of a monkey that greets guests at the door, botanical themed wallpaper, a framed letter written by Kipling while ensconced at Brown's, and hardbound copies of his classic novel.

As part of the Rocco Forte Suite Experience program, guests of the Kipling Suite can choose from a selection of "backstage passes," including a guided tour of [Peter Harrington Rare Books](#).

It's especially appropriate for a hotel that hosted not only Kipling but also Mark Twain, who raised eyebrows by appearing in the lobby in his bathrobe, and Agatha Christie, who based *At Bertram's Hotel* on Brown's.

The hotel has a fresh focus on well-being offerings, as well, including bespoke spa products in the suites and spa treatment rooms, delicious and nutritious "Nourish" menu options from British health guru Madeleine Shaw, and even a guilt-free "TEA-TOX" afternoon tea served in the wood-paneled English Tea Room. Now that's something to write home about.

**Info:** 115 rooms, including 31 suites, from \$549. [roccofortehotels.com/hotels-and-resorts/browns-hotel](http://roccofortehotels.com/hotels-and-resorts/browns-hotel).



- Hotel Cafe Royal is located near Piccadilly Circus on London's Regent Street.  
(Hotel Cafe Royal)
- The Cafe at Hotel Cafe Royal transforms into a dessert bar every evening.  
(Hotel Cafe Royal)

### Hotel Cafe Royal

As Oscar Wilde once said, "I can resist everything except temptation." It's no wonder, then, that he was a fan of Hotel Café Royal on London's ritzy Regent Street. This year, the legendary haunt of bons vivants like David Bowie, Noel Coward and Elizabeth Taylor opened two new food and beverage offerings alongside its gilded Oscar Wilde Bar to offer discerning palates a double dose of decadence.

In February, the hotel launched the Green Bar Botanicals & Tonics gin bar. Here, the humble highball gets the royal treatment with a globe-spanning selection of 18 gins and seven tonics, including one tonic made with quinine harvested high in Peru's Andes Mountains.

In March, Cafe Royal sweetened the deal with the debut of London's first dessert restaurant. By day, The Café serves breakfast, lunch and afternoon tea. But every evening, the menu changes to feature executive pastry chef Sarah Barber's multicourse sweet and savory indulgences, accompanied by an optional wine pairing, in an elegant space swathed in golden marble.

The hotel's Akasha Holistic Wellness Centre offers indulgences of a different sort. This serene subterranean space houses London's only Watsu pool and recently announced a 23-karat gold treatment, including hammam exfoliation and a massage or facial incorporating genuine gold dust.

**Info:** 160 rooms and suites, from \$446. [hotelcaferoyal.com](http://hotelcaferoyal.com).

- The Berkeley's Blue Bar, originally designed by David Collins, has been expanded, but it still retains its striking blue Lutyens paneling.
- The Collins Room, which spills out into a new glassed-in addition at The Berkeley, is famous for its afternoon tea, with treats fashioned like the latest runway designs.

### The Berkeley

This summer, the Berkeley in Knightsbridge revealed a stunning new contemporary look. Architect Richard Rogers has transformed the façade, adding two glassed-in rooms on either side of a revolving door that leads into a teak-paneled lobby created by Robert Angell.

Angell also updated the celebrated Blue Bar and the former Caramel Room (now called the Collins Room, in homage to his mentor, the late David Collins), which have both doubled in size thanks to the glass extensions. While the Blue Bar retains its striking blue walls, the Collins Room has been outfitted in Art Deco style, with mirrored tables and gray silk walls emblazoned with hand-painted flowers.

Guests can choose from an array of new suites, as well, including Angell's Chelsea Suites, which introduced the hotel's first four-poster beds last summer, architect John Heah's Terrace Suites, opening onto spacious planted balconies, and Helen Green's three-bedroom apartment-style addition to the Berkeley Suites, also with a private terrace. More updated suites are set to debut in October.

Longtime Berkeley devotees will be happy to hear that Marcus Wareing continues to offer Michelin-starred

dining (two stars) at the Marcus restaurant, and they can still enjoy remarkable aerial views of Hyde Park from the rooftop garden and pool.

**Info:** 204 rooms, including 65 suites, from \$588. [the-berkeley.co.uk](http://the-berkeley.co.uk).



The Town House, the new restaurant at The Kensington hotels, has the feel of a private club or a comfortable residence.

### **The Kensington**

Stepping into The Kensington, situated in four Victorian townhouses in London's Museum Quarter, you might imagine that you've wandered into a private club. Following an extensive renovation by Alexander Waterworth Interiors, visitors can now relax in a series of comfortably furnished drawing rooms, engrossed in afternoon tea, nose-deep in the newspaper or chatting over hearty dishes like Dorset lobster with macaroni and cheese in the new Town House restaurant. Through a doorway, the sound of clinking ice cubes and the hum of low conversation emanates from the wood-paneled K Bar, another recent addition.

The rooms and suites also have a fresh look, including the transformation of the 1,100-square-foot Knightsbridge Suite, which boasts working fireplaces, antique furnishings, a private balcony, and high-tech touches like a 60-inch LCD TV housed in a gold gilt mirror and a Bose/iPad/iPhone docking station. Next year, the Brompton Suite will follow with an arty new look of its own, interconnecting with the Knightsbridge Suite and a Luxury Studio Suite to create a two or three-bedroom apartment-style haven.

**Info:** 136 rooms and 14 suites. Rooms from \$300. [daylecollection.com/hotels/the-kensington-hotel](http://daylecollection.com/hotels/the-kensington-hotel).



## **TRAVEL**

### **Life**

### **More about Dallas News**

[About Us](#)

[Careers](#)

[Advertise](#)

[Contact Us](#)

[Special Sections](#)

[FAQ](#)

[Privacy Policy](#)

[Terms of Service](#)

[Site Map](#)



# Cuba US Diplomatic Ties Promotes Hospitality

By

An update on the effects of the improving Cuba US diplomatic ties: Under Barack Obama's announcement on December 17, 2014, the US and Cuba seem to be on their way to increasing US Cuba diplomatic ties. Finally, this will make it easier for Cuban immigrants to the US to visit their families, and will of course help increase American tourism to the island.

The United States is still working out the details about how it will set up embassies, trade, and other diplomatic matters. This means that your travel plans for the island will have to wait until the Cuba and the US governments decide on their mutual travel and trade agreements. It seems that Cuba is getting ready to get its piece of American tourism though.



Cuba US Diplomatic Ties Promotes Hospitality - Clapway

## **A MAJOR SHOW OF THE EFFECTS OF IMPROVING CUBA US DIPLOMATIC TIES: AIRBNB STARTED SHOWING CUBAN LISTINGS EARLIER THIS MONTH, AND HOSTELWORLD.COM HAS BEEN LISTING HOSTELS IN MAJOR CUBAN CITIES FOR SEVERAL YEARS NOW.**

Still, the country has a lot of work to do before it can start comfortably accepting tourists and being able to handle all possible demands. Cuba needs to fix its roads, and the US-Cuba need to agree on visa requirements, if they're even going to consider tourism between the countries at all. The Summit of the Americas in Panama tomorrow is expected to be a neutral place in which President Obama and President Raúl Castro discuss any possible terms between the two countries. There are many economic and political considerations to ponder before tourists even get a chance to buy their tickets to the island.

Many tourists and travelers are awaiting the possibility that Cuba will open up because the embargo against the country meant it was relatively untouched by corporate conglomerates tradition Western culture. Cohiba, one of Cuba's most reputable cigar-factories, still makes their cigars by hand, and Cuban cars are seen as walking museums, since they're classic and are still working because of people's ingenuity. Some concerns about Cuba open its doors to the USA is that this will open doors to large corporations such as Starbucks or McDonald's to build franchises in a similar way to how they've built them in the USA and other parts of Latin America.

***A gorgeous visual story about Myanmar, a country also known for its political unrest:***

<https://youtu.be/jKoVqQhAHBA>

## COMMENTS

0 comments



## THIS CHICAGO BAR OWNER IS CRAZY ABOUT RUM—AND THINKS YOU SHOULD TASTE THESE 6 BOTTLES

Contributed by **Ari Bendersky**

Posted on Dec 20, 2017



*Nils Westlind*

Nils Westlind knew the first time he had a taste of alcohol distilled from sugar cane that it wouldn't be his last. Westlind, whose social worker parents moved the family from California to Colombia when he was just a year old, was at a quinceañera in Cartagena, Colombia, when he was 15. One of the uncles offered him a bit of aguardiente, Colombia's moderately proofed drink derived from sugar cane and mixed with aniseed and water. It's a moment that stuck with him.

"You always remember your first beer or alcoholic beverage," says Westlind, who owns rum-focused, 1920s Art Deco-inspired restaurant Ronero (Spanish for "master distiller of rum") and its upstairs nightclub, Esco Bar, in Chicago's Fulton Market neighborhood. "I loved it, and we danced and had a great time. At that moment, I felt like there was a whole new world to discover."



*Ronero (image: Geoff Adler/Peyote)*

Later that same year, the Westlinds moved the family to Chicago, where Nils would finish high school and attend college. That's when he fell in love with the hospitality industry. He knew this was his calling, and after working in a variety of bars and restaurants in almost every role possible, he tapped into memories of his Colombian childhood and wanted to deliver a piece of that world to Chicago.

No matter if his patrons are Midwesterners or Latin Americans, he wants to introduce them to the food, drink and culture prevalent throughout South America and the Caribbean, and that includes opening people's minds to the idea that rum is more than Captain Morgan or Malibu.

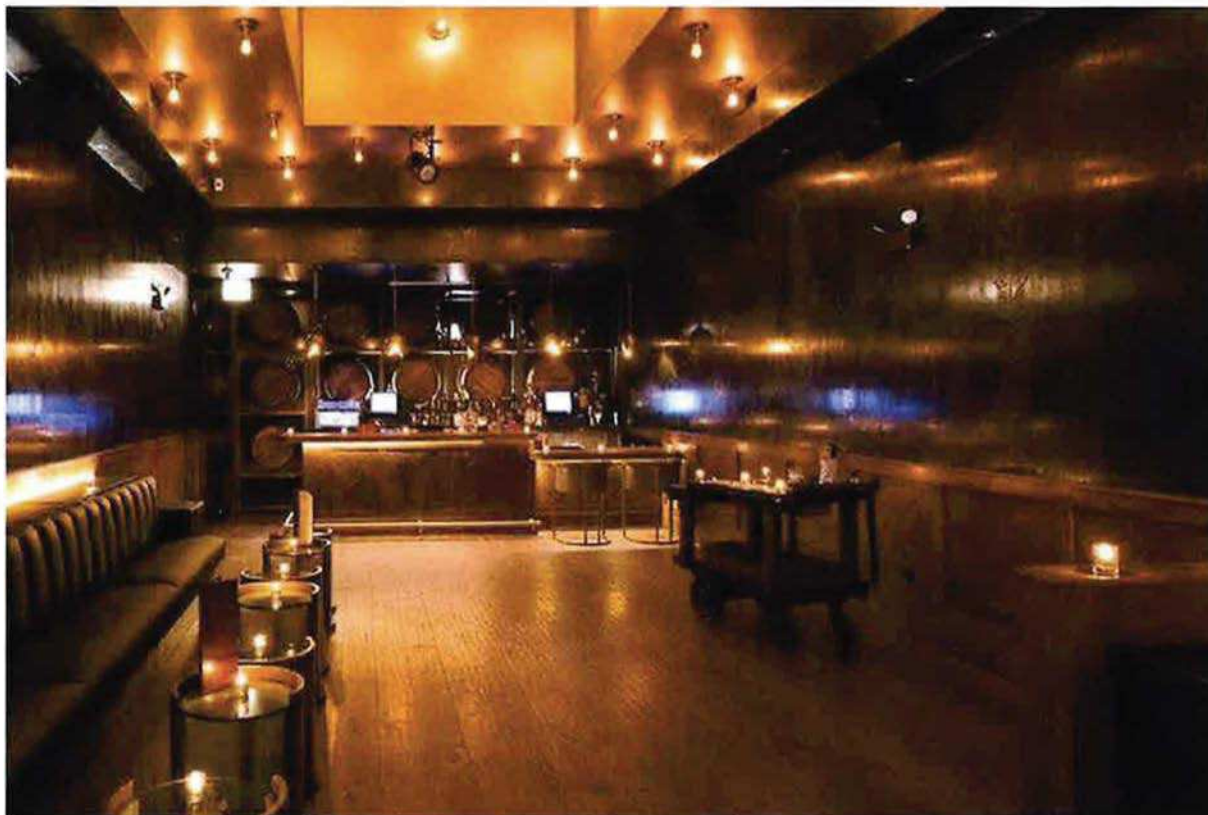




*Rum cart at Ronero*

“A fun thing for me has been to open up people to good rum when their experiences can be pretty limited,” he says.

A case in point, says Westlind, is the guest who comes in thinking rum is only for sweeter cocktails like a Piña Colada or Frozen Daiquiri, or the scotch or whiskey drinker who needs to be convinced to try a 23-year-old rum neat. He can change their minds with just a few sips. And Ronero also has a rum cart where they make Rum Old Fashioneds and Manhattans tableside.



*Esco Bar*

Of course, rum is produced all over the globe, but Westlind is partial to products coming out of Latin America and the Caribbean. The bar at Ronero stocks 100-plus bottles of rum, including more accessible bottles of Flor de Caña, Plantation, Don Q, Brugal and Caña Brava.

But there's also a reserve list with rare vintage rums like Don Q Reserva de la Familia Serrallés 20-year-old, which Westlind sells for \$260 a shot, and Brugal Papá Andrés, which until 2013 had been enjoyed by the family for five generations but the family recently released a limited amount to the public for \$1,500 a bottle.





*Ronero's Cadejo Blanco, made with Flor de Caña four-year-old añejo oro rum, Plantation Stiggins' Fancy Pineapple rum, Boomsma Claerkampster Cloosterbitter liqueur, mango, lime and chimichurri greens (cilantro, oregano, parsley and jalapeño) (image: Ben Macri)*

Westlind admits his tastes lean more toward dark, aged rums over the grassier and herbaceous rum agricoles produced in the French West Indies, but at the end of the day, he says, there's a rum for every person and every season.

"It can be light and refreshing in a summer cocktail or robust with caramel and coffee notes in a winter drink," says Westlind. "There's so much to be discovered. It's a very universal spirit. You don't have to limit yourself to one season, one type of cocktail or one region. It's all over the world. That's what I enjoy about it."

## **WESTLIND'S FAVORITE BOTTLES OF RUM**



### 1. DON Q RESERVA DE LA FAMILIA SERRALLÉS 20 YEAR (PUERTO RICO, \$1,900)

"This is one of the most classic-tasting dark aged rums from Puerto Rico. The amount of work that goes into getting just one of these 20-year-old bottles is incredible. From my conversations with Roberto Serrallés from the Don Q family, I've learned they lose so much rum due to evaporation because of the heat and humidity, but the final result is well worth the process."



## 2. LEGEND OF CUBAN PRE-1962 VALDESPINO (CUBA, \$535 AUCTION BOTTLE)

"There are maybe just a few of these rare bottles floating around the world. It's one of the last chances to taste rum dating back from before the Cuban Revolution and Fidel Castro. Distilled in Cuba during the 1940s, this rum was then imported in Spain, where it slept in old oloroso sherry casks by Valdespino. What I enjoy most about this rum is opening it up. At first, it smells like an old sock or wet basement, then I decant only a small amount. In such a short time, all the aromas and flavors begin to surface, like with an old wine. Some of the tasting notes I get: robust caramel, chocolate and coffee with the classic oloroso sherry tasting finish."





### 3. BRUGAL PAPÁ ANDRÉS (DOMINICAN REPUBLIC, \$1,400)

"The Brugal family has served Papá Andrés rum, named after the company's founding father, Don Andrés Brugal Montaner, for more than a century at family celebrations but only made it publicly available for sale in 2013. It's the family's most expensive and most aged bottle available. We have gone through two bottles and have one left; there are a total of eight in the Chicago area. It's one of the smoothest rums I have ever tasted."



#### 4. HAVANA CLUB MÁXIMO EXTRA AÑEJO (CUBA, \$1,410)

“Scotch or whiskey drinkers may just love this. My discovery of the Havana Club/Cohiba union was completely organic. One of my investors brought the bottle for me recently from Cuba, as you can’t get it in the U.S. They were out of what I had asked him to get, and naturally he just went for an even rarer bottle. This is a spectacularly smoky scotch-like rum that pairs incredibly well with a nice cigar, preferably a Cuban handmade Cohiba.”



#### 5. ZACAPA XO (GUATEMALA, \$125)

"I don't know if there is a sweeter, more incredibly well-balanced XO than Zacapa's. It's much more available and popular than some of the above and rightfully so. This is something we blow through at Ronero. It's made in Guatemala and probably one of the best rums out there. Whenever I'm trying to convince anyone who enjoys smoother spirits to try rum, this is the one to break the ice."



#### 6. PARCE 12 YEAR (COLOMBIA, \$65)

"I've recently dived into Parce rum, and the name alone takes me back to my childhood. *Parce* is a Colombian term for "very good friend." This rum is fantastically unique and amazing. It goes well in cocktails or on the rocks. It's right where you need to be on a Saturday night after dinner—rich and buttery with subtle heat. This is one you'll want to get into!"

**Locations:** Chicago Illinois

**Brands:** Boomsma Brugal Caña Brava Captain Morgan Don Q Flor de Caña  
Havana Club Legend of Cuban Malibu Papa Andres Parce Plantation Valdespino  
Zacapa

**Series & Type:** Bartenders Only People Stick People



SPONSORED CONTENT

## Michigan Letter Sweater (Blue)

By [hillflint.com](http://hillflint.com)

6040 - Thick - Navy - Maize - M - XS



## MORE ABOUT RUM



Are We  
Witnessing the  
Birth of American  
Agricole?



The Amazing  
Story of the  
Bacardí Cocktail  
and How It Came  
to Be



The Tale of Two  
Cocktail Styles:  
Tiki vs. Tropical



This Is What It's  
Like to Have  
12,000 Bottles in  
Your Home Bar



AdChoices

**CIGAR.com**

**10 CIGARS**  
*only* **\$24.99**

— *plus* —  
**FREE SHIPPING**



**\$72**  
Value

**SHOP NOW**

While Supplies Last. One Per C  
Must be 21 or older to purchase Offer.

©2018 Liquor.com. Please drink responsibly. All rights reserved. A



## ABOUT LIQUOR.COM

Liquor.com is the inspiring digital publication dedicated to good drinking and great living. The right cocktail at the right time; home-entertaining advice; essential recipes and indispensable spirits; the people and places that matter now. Liquor.com and its stories have won numerous awards, including the 2012 Tales of the Cocktail Spirited Awards for Best Cocktail Writing and Best Cocktail Author, and a James Beard Award in 2013 for its How to Cocktail video series.

Our site has a huge network of award-winning writers, master mixologists and spirits experts who travel the globe to find you the perfect drink. Plus, we have a top-shelf board of advisors that includes Jacques Bezuidenhout, Dale DeGroff, H. Joseph Ehrmann, Simon Ford, Allen Katz, Jim Meehan, Gary Regan, Julie Reiner, Aisha Sharpe, Willy Shine and David Wondrich.

It is definitely a good time to be a drinker. There are literally thousands of spirits to choose from and a seemingly endless selection of creative cocktails. That makes the age-old question of "what are you drinking?" ever harder to answer. That's where Liquor.com comes in; consider the site your experienced drinking buddy who not only knows what to drink and where but also when to stir and when to shake, when to shoot and when to sip, and when to splurge and when to save.

Liquor.com's goal is to entertain, inspire and educate enthusiasts, connoisseurs and even the merely curious about the vast universe of cocktails and spirits. The site combines old-school editorial experience with the newest web technologies. In addition to regular emails, the site also features original content including a recipe library and a spirits brand directory. We also offer DrinkWire, a collection of curated posts from the finest drinks bloggers, writers and bartenders on the web.



## PRESS RELEASES

July 13, 2015

**Liquor.com Now Reaches 1 Million Email Subscribers**

January 15, 2015

**Liquor.com Surpasses 100MM Page Views, Sends 78MM Emails & Increases Subscriber Base Beyond 500,000 in 2014**

March 4, 2014

July 17, 2013

May 6, 2013

Mar 1, 2013

**Liquor.com Announces New Editor-in-Chief, Scott Hocker**

**Liquor.com Raises \$3.1 Million Round of Capital**

**Liquor.com's How to Cocktail Videos Win a James Beard Award**

**Liquor.com Launches Expert Contributor Network, DrinkWire**

## **IN THE NEWS**

**Who What Wear**

**The Wall Street Journal MarketWatch**

**Parade**

**AskMen**

**The Wall Street Journal MarketWatch**

**The National Culinary Review**

**Food Republic**

**Inside F&B**

**The Wall Street Journal Speakeasy**

**BBC News Magazine**

**Chicago**

**Nation's Restaurant News**

**HearSay with Cathy Lewis**

**Inside F & B**

**7X7**

**Travel & Leisure**

**O, The Oprah Magazine**

**CBS Money Watch**

**CBS Money Watch**

AdChoices

# CIGAR.com

## 10 CIGARS

### only \$24.99

plus

## FREE SHIPPING



**\$72**  
Value

**SHOP NOW**

While Supplies Last. One Per C  
Must be 21 or older to purchase Offer.

### RELATED VIDEOS



Tips & Tricks Video Series



DRAAANKS: The Aviation

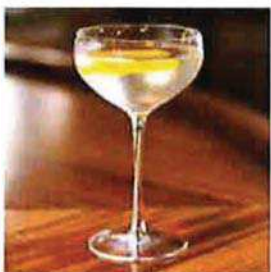




Rum Across America: Seattle



How to Make a Prospector



How to Make a Vesper



How to Make a Gimlet

## Cocktail Recipes



**YODA SOUR**

**CIDER HOUSE RULES**

**BROWN BUTTER OLD FASHIONED**

+

+

+



**DAIQUIRI**

**BEGGARS BANQUET**

**BOURBON & BERRIES**

+

+

+

©2018 Liquor.com. Please drink responsibly. All rights reserved. A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

EMPRESA CUBANA DEL TABACO, d.b.a. CUBATABACO,	:	X
	:	
Petitioner,	:	
	:	
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO CORP.	:	
	:	
Respondents.	:	
	:	
	:	X

**Petitioner's**

**Exhibit 4**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.

Cancellation No. 92025859

**DECLARATION OF ANNALISA MARTINI NO. 3**

**ANNEX 74**

**Name of the Party Offering the Exhibit: Empresa Cubana del Tabaco d.b.a. Cubatabaco**

Tel : +1 727 - 596 - 8902  
[cheers@688finewine.com](mailto:cheers@688finewine.com)



[HOME](#)   [FINE WINE](#)   [LIQUOR](#)   [BEER](#)   [CIGARS](#)   [GIFT BASKETS](#)   [ABOUT](#)   [NEWS](#)   [CONTACT](#)



**Can't find a it anywhere else?**

*We offer an amazing selection of unique, hard to find liqueurs!  
If we do not have it and it can be found we will order it for you.*



**Fine Wine**



**Liquor**



**Beer**



**Cigars**



**Gift Baskets**

## Cigars

What goes better with your favorite bottle of wine or specialty liquor than cigars? We have a large walk-in-humidor with the freshest quality cigars in town.

- **Arturo Fuente**
- **Torano**
- **Rocky Patel**
- **Java by Drew Estate**
- **Padron Cigars**
- **Gurkha**
- **Macanudo**
- **Acid Cigars**
- **Drew Estate**
- **Hoyo De Monterey**
- **Cao**
- **Romeo Y Julieta**
- **Cohiba**
- **Brick House**
- **Olivia**
- **WC Anejo**
- **Tabak**
- **Montecristo**





- La Unica
- Esteban Carrereas
- La Gloria Cubana



Follow Us :



Contact Us

14590 Walsingham Rd.  
Largo, FL 33774  
Tel : +1 727 - 596 - 8902  
[cheers@688finewine.com](mailto:cheers@688finewine.com)

Payment Accepted :



HOME FINE WINE LIQUOR BEER CIGARS GIFT BASKETS ABOUT NEWS CONTACT

Copy Rights © 2017 688 Fine Wine & Spirits | All Right Reserved. Website Design by Belltech Web Design

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**DECLARATION OF ANNALISA MARTINI NO. 3**

**ANNEX 75**

**Name of the Party Offering the Exhibit: Empresa Cubana del Tabaco d.b.a. Cubatabaco**





**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----	X	
EMPRESA CUBANA DEL TABACO, d.b.a.	:	
CUBATABACO,	:	
	:	
Petitioner,	:	
	:	Cancellation No. 92025859
v.	:	
	:	
GENERAL CIGAR CO., INC. and CULBRO	:	
CORP.	:	
	:	
Respondents.	:	
	:	
-----	X	

**DECLARATION OF ANNALISA MARTINI NO. 3**

**ANNEX 76**

**Name of the Party Offering the Exhibit: Empresa Cubana del Tabaco d.b.a. Cubatabaco**

Family Owned and Operated in Boulder, CO since 1939!

Call Us **303-442-0894**[Map and Directions](#)[Home](#) [Wine](#) [Beer](#) [Liquor](#) [Cigars](#) [Event Planning](#) [About Us »](#) [Events](#) [Specials](#) [Contact Us](#)

## Featured Products

[Sign Up for Email Updates](#)For the latest news and info from  
North Boulder Liquor

## Cigars

We have many cigars available for your enjoyment including, Monte Cristos from Dominican Republic, Macanudo from The United States of America, Cohiba from the Dominican Republic and Partagas from Cuba



## Store Information

**North Boulder Liquor**

3990 Broadway Street

Boulder, CO 80304

Phone: (303) 442-0894

### Hours:

Mon. - Sat: 9am - 10pm

Sunday: 11am - 6pm

[Contact Us - Map](#)

## Like Us On Facebook

**North Boulder Li**  
827 likes[Like Page](#)

Be the first of your friends to like th

[Privacy Policy](#)





888-28-SMOKE (888-287-6653)

- Cigars
- Cigar Samplers
- Cigar Accessories
- It's a Boy Cigars
- It's a Girl Cigars
- Electronic Cigar
- Humidors
- Humidors - Travel
- Humidors - Personalized
- Humidors - Display
- Pipes
- Pipe Accessories
- Lighters
- Various Products & Accessories
- Smoke Odor Control
- Cigar Apparel
- Gift Items
- Gift Certificates
- Gifts - Personalized
- Retail Store Items
- Fan Mats College and Pro Sports
- Team Gear
- NEW Products

## SEARCH

### ADVANCED SEARCH



### NEWSLETTER SIGN-UP



Like 0

**Cohiba Miniatures**  
SKU: 02CNMI

Cohiba Miniatures -

Cohiba Miniatures cigars. Surprisingly, this luxurious "red dot" Dominican blend is very often the one preferred by aficionados because of their complexity and depth of flavor. Medium to full-bodied, yet not overpowering, which means smokers of every experience can enjoy this icon of great cigars.

**Manufacturer:** Cohiba  
**Country:** Dominican Republic  
**Wrapper:** Cameroon  
**Package:** Tins of 100  
**Size:** 3.875" x 24  
**Strength:** Medium  
**Shape:** Cigarillo

Retail Price: \$ 235.84  
**Your Price: \$ 170.09**  
You Save: \$ 65.75  
Availability: In Stock

Qty:

Petitioner's

## Exhibit 5

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.

**CONFIDENTIAL - FILED UNDER SEAL**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309

For the mark COHIBA

Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273

For the mark COHIBA

Date registered: June 6, 1995

----- X  
EMPRESA CUBANA DEL TABACO, d.b.a. :  
CUBATABACO, :  
 :  
Petitioner, :  
 :  
v. :  
GENERAL CIGAR CO., INC., :  
 :  
Respondent. :  
 :  
----- X

**Petitioner's**

**Exhibit 6**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.

Cancellation No. 92025859

**ANNEX A**

**DECLARATION OF EUGENE PAUL RICHTER, III**

# REDACTED



# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED



# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED



# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED



# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED

# REDACTED



# REDACTED

# REDACTED

# REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT



REDACTED

REDACTED

REDACTED

REDACTED

**REDACTED**

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

REDACTED



REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED



# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

# DOCUMENT PRODUCED IN NATIVE FORMAT

REDACTED

# REDACTED





1 Job No.: 164366

2 Pages: 1 - 153

3 Reported By: Leslie D. Etheredge, RMR, CCR

4  
5  
6 Deposition of EUGENE PAUL RICHTER, III, held  
7 at the offices of:

8  
9 ECKERT SEAMANS CHERIN & MELLOTT  
10 919 East Main Street, Suite 1300  
11 Richmond, Virginia 23219  
12 804.788.7740  
13  
14  
15  
16

17 Pursuant to Notice, before Leslie D.  
18 Etheredge, Registered Merit Reporter, Certified  
19 Court Reporter and Notary Public in and for the  
20 Commonwealth of Virginia.  
21  
22

A P P E A R A N C E S

ON BEHALF OF THE PETITIONER:

LINDSEY FRANK, ESQUIRE

RABINOWITZ, BOUDIN, STANDARD, KRINSKY

& LIEBERMAN

45 Broadway, Suite 1700

New York, New York 10006

212.254.1111

ON BEHALF OF THE RESPONDENTS:

AIRINA LYNN RODRIGUES, ESQUIRE

DLA PIPER LLP (US)

1251 Avenue of the Americas

New York, New York 10020

212.335.4673

1	C O N T E N T S		
2	EXAMINATION OF EUGENE PAUL RICHTER, III		PAGE
3	Direct Examination By Mr. Frank		6
4	Cross-Examination By Ms. Rodrigues		150

5			
6			
7			
8	E X H I B I T S		
9	(Attached to transcript)		
10	RICHTER DEPOSITION EXHIBITS		PAGE
11	Exhibit 1	Notice of Deposition	66
12	Exhibit 2	Bates GENC 0005731	67
13	Exhibit 3	Bates GENC 0005730	67
14	Exhibit 4	Bates MS0009047	77
15	Exhibit 5	Bates GENC0015642 to	86
16		15644	
17	Exhibit 6	Bates GENC 0004611 to	102
18		4628	
19	Exhibit 7	Bates GENC 0004107, 4150	105
20		to 4167	
21	Exhibit 8	Bates GENC 0044731	107
22		through 44761	

HIGHLY CONFIDENTIAL  
Transcript of Eugene Paul Richter, III  
Conducted on November 2, 2017

5

1	Exhibit 9	Bates GENC 0009737 to	115
2		9739	
3	Exhibit 10	Bates number CT0033025	118
4		to 33041	
5	Exhibit 11	Bates GENC 0003910 to	135
6		3932	
7	Exhibit 12	Bates GENC 0004107, 4132	140
8		to 4149	
9	Exhibit 13	Bates GENC 00031624 to	144
10		31643	
11	Exhibit 14	Bates GENC 0015200 to	146
12		10205	

13  
14  
15  
16  
17  
18  
19  
20  
21  
22

1 P R O C E E D I N G S

2 Whereupon,

3 EUGENE PAUL RICHTER, III,  
4 being first duly sworn to testify to the truth, the  
5 whole truth, and nothing but the truth, was  
6 examined and testified as follows:

7 DIRECT EXAMINATION BY COUNSEL FOR THE PETITIONER  
8 BY MR. FRANK:

9 Q Good morning. My name is Lindsey Frank,  
10 and I am from the law firm of Rabinowitz, Boudin,  
11 Standard, Krinsky & Liberman PC. We are counsel  
12 for petitioner in this action.

13 Are you being represented today by  
14 counsel?

15 A Yes.

16 MR. FRANK: Counsel, can you identify  
17 yourself for the record, please.

18 MS. RODRIGUES: My name is Airina  
19 Rodrigues of the law firm of DLA Piper, LLP, US.  
20 We are counsel to the Respondent in this action  
21 today.

22 Q I will be asking you a series of

1 Q Would they also be approximately 50/50?

2 A Yes.

3 Q For the Premium Sales Managers, the  
4 Regional Managers, the Director of Strategic  
5 Accounts and the Special Accounts Managers, what  
6 were each of their responsibilities during their  
7 communications or visits with the customers?

8 A As I said earlier, selling our company  
9 products, ensuring merchandising and distribution.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q You said, during the past year, you met with approximately 200 customers. How long would your interactions with each of those customers last?

A Depending on the situation.

Q What would be the least amount of time?

A 15 minutes.

Q What would be the most?

A Hour, hour and a half.

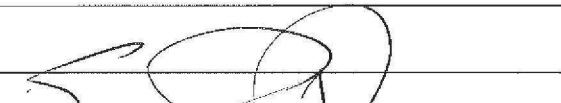
Q Other than at trade shows and retail operations, would you meet with customers any place else?

A No.

Q During your time at General Cigar, would



Return to: transcripts@planetdepos.com

  
(Signature)

No. 164366

Re: Deposition of **Eugene Paul Richter, III**

Date: 11/2/2017

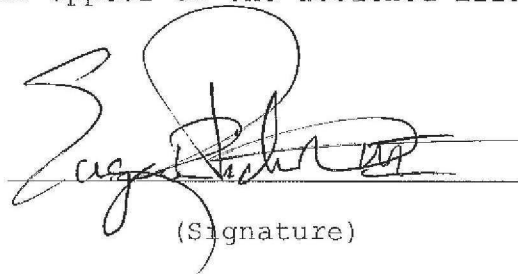
Case: Empresa Cubana Del Tabaco -v- General Cigar Co., Inc. (TTAB)

Return to: transcripts@planetdepos.com

ACKNOWLEDGMENT OF DEPONENT

I, Eugene Paul Richter, III, do hereby  
acknowledge that I have read and examined the  
foregoing testimony, and the same is a true, correct  
and complete transcription of the testimony given by  
me and any corrections appear on the attached Errata  
sheet signed by me.

12/1<sup>st</sup> 30/17  
(Date)

  
(Signature)

**In the Matter Of:**

Empresa Cubana Del Tabaco vs General Cigar

92025859

---

**VICTORIA MCKEE JAWORSKI**

*November 20, 2020*

---



**ESQUIRE**  
DEPOSITION SOLUTIONS

800.211.DEPO (3376)  
[EsquireSolutions.com](http://EsquireSolutions.com)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
CANCELLATION NO. 92025859

In the matter of Trademark Registration  
No. 1147309 for the mark COHIBA  
Date registered: February 17, 1981

-and-

In the matter of Trademark Registration  
No. 1898273 for the mark COHIBA  
Date registered: June 6, 1995

---

EMPRESA CUBANA DEL TABACO, d/b/a  
CUBATABACO,

Petitioner(s),

vs.

GENERAL CIGAR CO., INC., and  
CULBRO CORP.,

Respondent(s).

---

DEPOSITION UNDER ORAL EXAMINATION OF

VICTORIA M. JAWORSKI

DATE: November 20, 2020

REPORTED BY: MICHAEL FRIEDMAN, CCR

ESQUIRE DEPOSITION SOLUTIONS, LLC  
1384 Broadway - 22nd Floor  
New York, New York 10018  
(212) 687-2010

JOB # J 6151342

TRANSCRIPT of the deposition of the  
witness, called for Oral Examination in the  
above-captioned matter, said deposition being taken  
by and before MICHAEL FRIEDMAN, a Notary Public and  
Certified Court Reporter of the State of New Jersey,  
at ZOOM VTC, ALL PARTIES REMOTE, on November 20,  
2020, commencing at approximately 9:00 in the  
morning.

1 A P P E A R A N C E S:

2  
3 DLA PIPER  
4 500 Eighth Street, NW  
5 Washington, DC 20004  
6 BY: JOSHUA SCHWARTZMAN, ESQ.  
7 JOHN NADING, ESQ.  
8 Attorneys for Respondent  
9

10 RABINOWITZ, BOUDIN, STANDARD, KRINSKY & LIEBERMAN  
11 14 Wall Street  
12 New York, NY 10005  
13 BY: LINDSEY FRANK, ESQ.  
14 Attorneys for Petitioner  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALSO PRESENT: EDEN MORLEY

I N D E X

WITNESS NAME	PAGE
VICTORIA M. JAWORSKI	
By Mr. Frank	7
By Mr. Nading	52

E X H I B I T S

EXHIBIT NO.	PAGE
1	14
2	17
3	33

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

- - -  
Deposition Support Index  
- - -  
Direction to Witness Not to Answer  
Page Line Page Line Page Line  
None  
Request for Production of Documents  
Page Line Page Line Page Line  
None  
Stipulations  
Page Line Page Line Page Line  
None  
Questions Marked  
Page Line Page Line Page Line  
None



1 THE COURT REPORTER: My name is  
2 Michael Friedman, a Certified Shorthand  
3 Reporter. This deposition is being held  
4 via videoconferencing equipment.

5 The witness and reporter are not in  
6 the same room. The witness will be  
7 sworn in remotely, pursuant to agreement  
8 of all parties. The parties stipulate  
9 that the testimony is being given as if  
10 the witness was sworn in person.

1 V I C T O R I A M. J A W O R S K I,  
2 called as a witness, having been first  
3 duly sworn according to law, testifies as follows:  
4  
5  
6

7 EXAMINATION BY MR. FRANK:

8 Q Hello, can you please state your  
9 name for the record?

10 A Victoria Jaworski.

11 Q My name is Lindsey Frank at the law  
12 firm of Rabinowitz, Boudin, Standard, Krinsky  
13 & Lieberman. We're counsel for petitioner in  
14 this case.

15 Are you being represented here  
16 today by legal counsel?

17 A I am.

18 MR. FRANK: Counsel, can you -- all  
19 of you state your name for the record?

20 MR. NADING: John Nading, DLA  
21 Piper, for the respondent, General Cigar  
22 Company Inc.

23 I'm joined by Joshua Schwartzman  
24 and our colleague, Eden Morley, who is  
25 attending today this deposition as part

1 of her training.

2 MR. FRANK: Is Eden -- I'm sorry, I  
3 didn't catch the last name. Is she  
4 working for DLA Piper?

5 MR. NADING: All of us are DLA  
6 Piper, that's correct.

7 Q Ms. Jaworski, was your legal  
8 counsel provided to you by General Cigar  
9 today?

10 A They were.

11 Q Is there a written agreement  
12 between you and your legal counsel  
13 representing you here today?

14 MR. NADING: Objection to the form  
15 of the question.

16 A No.

17 Q I'm sorry, I didn't hear you,  
18 Ms. Jaworski.

19 A Could you ask me the question  
20 again?

21 Q Is there any written agreement for  
22 the representation of your legal counsel for  
23 you here today?

24 A Not that I'm aware of.

25 MR. NADING: Objection to the form

1 of the question.

2 Q Are you personally paying for your  
3 lawyer to be here today?

4 A I'm not.

5 MR. NADING: Object to the form of  
6 the question.

7 Q I will go over a couple of aspects  
8 of today's proceedings, before we go forward.

9 MR. FRANK: Actually, what is the  
10 basis of your objection to the last  
11 question?

12 MR. NADING: You're probing about  
13 attorney/client privileged  
14 communications and relationships.

15 Q I'm going to ask you a couple of --  
16 explain of couple of aspects of today's  
17 proceedings so you know what we're doing here  
18 today, Mrs. Jaworski.

19 First of all this is -- today's  
20 proceeding is being taken as trial testimony  
21 in a proceeding between Empresa Cubana Del  
22 Tabaco d/b/a Cubatabaco against General Cigar  
23 Company Incorporated and Culbro Corporation  
24 in the Trademark Trial & Appeal Board.

25 For ease of reference I'm going to

1 refer to Empresa Cubana Del Tabaco d/b/a  
2 Cubatabaco as Cubatabaco, or petitioner, and  
3 I will refer to General Cigar Co. Inc. as  
4 General Cigar.

5 Now, this is testimony that you're  
6 giving here today, it's going to be submitted  
7 as testimony to the Trademark Trial & Appeal  
8 Board, a cancellation proceeding between  
9 Cubatabaco and General Cigar.

10 That's to say that today your  
11 testimony here today is equivalent to giving  
12 testimony in a court in a regular lawsuit,  
13 except there's no judge here.

14 Even if your legal counsel may  
15 object to the question that I ask you, you  
16 still have to answer the question unless he  
17 directs you to otherwise not to answer the  
18 question.

19 I will be showing you some  
20 documents which will be marked as exhibits.  
21 These documents come from the declaration  
22 that has already been submitted by General  
23 Cigar during the trial period.

24 So the focus of today's examination  
25 will be on what you said in your declaration

1 as well as the exhibits that were attached  
2 thereto. That's what I'm going to be asking  
3 you about today.

4 If you can, and I know sometimes  
5 it's difficult, but if you can please let me  
6 finish the question before you respond.

7 If you want to take a break at any  
8 time, let me know and we'll -- you can take a  
9 break. You can take as many breaks as you  
10 want.

11 However, you are not to consult  
12 with your counsel or anyone else about your  
13 testimony during your trial testimony,  
14 including during any breaks.

15 The only time you can consult with  
16 your legal counsel is if there's a question  
17 of privilege or some other reason why he may  
18 instruct you not to answer the question.

19 Normally, this proceeding --  
20 normally this process takes place in person  
21 when we're all in an office together.

22 However, because of the COVID-19 pandemic  
23 counsel for both parties has agreed to take  
24 this testimony via Zoom, which is what we're  
25 doing now.

1                   It's important for me to see what  
2                   you're doing during this process. It will be  
3                   helpful if we can see the entire -- your face  
4                   and so far as what you're doing with your  
5                   hands, that would be also helpful to see what  
6                   you're looking at.

7                   Can you move around the camera in  
8                   your room to be sure there's no one else in  
9                   the room with you? Okay.

10                  Is there anyone else in the room  
11                  with you here today?

12                  A       There is not.

13                  Q       I will begin asking questions and  
14                  the reporter is going to transcribe my  
15                  questions and your answers and any objections  
16                  that your legal counsel has.

17                  It's important for us to get a  
18                  clear record because that is what the Appeal  
19                  Board is going to see, the transcript of  
20                  today's proceedings.

21                  So the court reporter has to hear  
22                  both what I say and what you say clearly, so  
23                  when responding, please try not to respond by  
24                  shaking your head or giving "uh-huh" or  
25                  "uh-uh", but be as clear and verbal as

1 possible. Okay?

2 Is there any reason why you cannot  
3 testify truthfully here today?

4 A No.

5 MR. NADING: Mr. Frank, I just want  
6 to make one objection on the record. I  
7 couldn't get in there because I didn't  
8 want to interrupt you with what you were  
9 saying a minute ago.

10 But I just object for the record to  
11 the extent your instructions to the  
12 witness about communications with  
13 counsel, et cetera, exceed the  
14 requirements in the framework of the  
15 proceeding.

16 MR. FRANK: Noted.

17 MR. NADING: Thank you.

18 Q Are you taking any medication which  
19 would affect your ability to testify  
20 truthfully and fully here today?

21 A No.

22 Q Are you currently subject to any  
23 medical condition that would affect your  
24 ability to testify truthfully and fully  
25 today?



1 A No.

2 Q Okay. So I am going to try to  
3 share.

4 MR. FRANK: I am going to introduce  
5 this as Exhibit 1, Petitioner's Exhibit  
6 1.

7 (Whereupon the above mentioned was  
8 marked for Identification.)

9 Q This is a notice of election to  
10 orally cross examine you that the petitioner  
11 has issued.

12 Are you appearing here today  
13 pursuant to this notice? Can you see it on  
14 your screen, Ms. Jaworski?

15 A I can, yes.

16 Q I think I can -- let's see.

17 MR. NADING: I was going to ask  
18 you, Lindsey, are you planning to  
19 introduce exhibits this way, share  
20 screen on Zoom, or are we using the  
21 DropBox link?

22 MR. FRANK: I think I'm going to  
23 submit using share screen, although I  
24 don't think -- I was anticipating, I was  
25 telling Josh earlier today I don't

1 anticipate introducing anything other  
2 than the declaration and the exhibits to  
3 the declaration.

4 MR. NADING: Okay. Because it's  
5 hard with the Zoom to have the document  
6 90 percent on the screen and the video  
7 off to the side. That's why I wanted to  
8 find out how you plan to do it.

9 MR. FRANK: I see. Let me see if I  
10 can figure this out.

11 Q If you want to scroll through this  
12 document, Ms. Jaworski, you can scroll  
13 through it, if you would like.

14 A (Witness reviewing.)  
15 I'm finished.

16 Q Okay. So the question is, are you  
17 appearing here today pursuant to this notice?

18 A I am.

19 Q Okay. Thank you. I'm going to  
20 share one other document.

21 MR. NADING: Counsel, do you have  
22 another copy that you can send to -- I  
23 guess of the documents?

24 I mean, if it is just this document  
25 and the declaration and annexes we

1 obviously know what those are.

2 But, for example, I have no ability  
3 to review the document myself. The  
4 witness is looking at the document,  
5 which is kind of a problem.

6 MR. FRANK: Yeah, do you not have a  
7 copy of the notice of election to orally  
8 cross examine, John?

9 MR. NADING: If that's what that  
10 document is, I couldn't really see. By  
11 the time I was looking up it was on the  
12 second page and therein lies the issue.

13 MR. FRANK: I see.

14 MR. NADING: I remember there being  
15 a notice of election to orally --

16 MR. FRANK: I will put it back on  
17 the screen and let you scroll through it  
18 here.

19 MR. NADING: Thank you. I just  
20 don't remember seeing the date for the  
21 deposition. I wanted to see --

22 MR. FRANK: We decided to -- hold  
23 on. John, you should be able to look at  
24 it now.

25 MR. NADING: I was looking for the

1 date, that's what I wasn't clear about,  
2 okay. Thank you, Lindsey.

3 MR. FRANK: No problem.

4 (Whereupon a discussion was held  
5 off the record.)

6 MR. FRANK: I'm going to introduce  
7 as Petitioner's Exhibit 2 the  
8 declaration of Victoria McKee Jaworski  
9 that General Cigar has filed as trial  
10 testimony in this proceeding.

11 (Whereupon the above mentioned was  
12 marked for Identification.)

13 Q I'm going to give Ms. Jaworski  
14 remote control of the document so you can  
15 scroll through this document now.

16 Please take your time and review it  
17 and let me know when you're done.

18 A Okay.

19 (Witness reviewing.)

20 MR. NADING: Counsel, is this with  
21 or without the annexes?

22 MR. FRANK: This is without the  
23 annexes for the moment.

24 MR. NADING: Counsel, does that  
25 document have highlighting in it or is

1           that a product of --

2                   MR. FRANK: I think that's  
3           Ms. Jaworski a highlighting, just  
4           selecting text.

5                   THE WITNESS: It's just a matter of  
6           navigating on my end. I'm having an  
7           issue accessing the lower -- advancing  
8           the page, which is why you see the  
9           highlight.

10          Q       You're using the arrows on your  
11       keyboard?

12          A       Yes, the arrows that were  
13       announcing the page going up to the next  
14       page, they're not allowing me to see the  
15       entire page.

16          Q       Can you see now?

17          A       I can now, yeah.

18                   (Witness reviewing.)

19          Q       Just let me know if you need help  
20       switching to the next page.

21          A       Mr. Frank, could you advance this  
22       page so I can see the text below? Perfect,  
23       thank you.

24                   (Witness reviewing.)

25                   MR. NADING: Counsel, I just want

1 to make a formal objection on the  
2 record. I think introducing exhibits  
3 this way is very problematic, especially  
4 when this one is a ten pager.

5 I anticipate you will be  
6 introducing the annexes, as well. I  
7 don't have an ability to review this on  
8 my own without she looking over my  
9 shoulder, which is a violation of  
10 attorney/client privilege.

11 We do have a DropBox link. I would  
12 ask if you're going to introduce  
13 exhibits that we do it that way.

14 MR. FRANK: I can try to do that  
15 now. Let's see.

16 (Whereupon a discussion was held  
17 off the record.)

18 MR. FRANK: John, for the record I  
19 want to be sure you have full access to  
20 the documents to both exhibits now.

21 MR. NADING: I'm opening the second  
22 one. The first one, the second one I do  
23 have full access to.

24 Yes, I have access to these first  
25 two exhibits.

1 MR. FRANK: You have full access  
2 and the ability to review them on your  
3 own?

4 MR. NADING: I do now at this  
5 point.

6 A I'm finished reviewing the first  
7 document.

8 Q That's Exhibit 2, your declaration?

9 A That is my declaration, yes.

10 Q Okay. Have you seen this document  
11 before?

12 A This I have, yes.

13 Q Can you please turn to the last  
14 page? Let me know when you're there.

15 Or page 9, I should say.

16 A I'm on page 9.

17 Q Is that your signature on page 9?

18 A It is.

19 Q When did you sign this document?

20 A September 24 of 2020.

21 Q And do you understand that this  
22 declaration is being submitted by General  
23 Cigar to the Trademark Trial & Appeal Board  
24 as your direct trial testimony in this  
25 proceeding?

1 A I do.

2 Q Can you turn to page 2, please.

3 Let me know when you're there.

4 A I'm there.

5 Q On the top of page 2 you declare  
6 under penalty of perjury under the laws of  
7 the United States that the following is true  
8 and correct.

9 Is that correct?

10 A That is correct.

11 Q Is everything in your declaration  
12 true and correct?

13 A Yes, it is.

14 Q Did you write all of your  
15 declaration?

16 A I participated in the development  
17 of my declaration.

18 Q Did you write any of your  
19 declaration?

20 MR. NADING: Object to the form of  
21 the question.

22 Q You can answer.

23 A I participated with our counsel in  
24 developing this -- this content.

25 Q But did you write any of the



1 content?

2 A Yes, I wrote --

3 MR. NADING: Same objection.

4 Q You can answer.

5 A I was involved in drafting this,  
6 yes.

7 Q And which parts -- which parts were  
8 you involved in drafting?

9 A Well, this was a collaborative  
10 process, so I can't pinpoint exactly what  
11 words I wrote.

12 But this was certainly a  
13 collaborative process, so I wrote portions  
14 and was very involved in the development of  
15 this document.

16 Q Did any of the lawyers -- did any  
17 of your legal counsel write any part of your  
18 declaration?

19 MR. NADING: Objection to the form  
20 of the question, and also to the extent  
21 this would reveal any attorney/client  
22 privileged communication.

23 Q You can answer the question.

24 A Can you ask me the question again,  
25 please?

1 Q Did any of the lawyers for General  
2 Cigar write any part of your declaration?

3 MR. NADING: Same objections, form  
4 of the question, and privilege.

5 Q You can answer.

6 A So I'm going to answer by saying  
7 what I said before, which is this was a very  
8 collaborative process.

9 Q I understand. But you can answer  
10 the question, it's a yes or no question, did  
11 any lawyer for General Cigar write any part  
12 of the declaration?

13 MR. NADING: Objection. Asked and  
14 answered, also to the extent you  
15 continue to seek attorney/client  
16 privileged information.

17 Q You can answer.

18 A Again, as I said, this was a  
19 collaborative process that I worked to  
20 develop -- to develop this content with our  
21 legal counsel.

22 Q I know. Can you please -- it's  
23 going to be a frustrating process if you're  
24 not going to answer the questions.

25 MR. NADING: Objection, you're

1 harassing the witness. You asked her  
2 the same question multiple times now and  
3 you're continuing to improperly try to  
4 elicit attorney/client privileged  
5 information.

6 The record reflects -- I have a  
7 real time transcript. The witness  
8 answered multiple times, I suggest you  
9 move on, Counsel.

10 MR. FRANK: She didn't answer this  
11 specific question. She's refusing to  
12 answer the specific question.

13 I'm not asking for attorney/client  
14 information. I'm not asking for the  
15 content of the communications.

16 I'm asking whether any attorney  
17 wrote any part of the declaration.

18 MR. NADING: She has answered the  
19 question. I have the same objections.

20 MR. FRANK: She has not answered  
21 the question. I will move on.

22 Q Did anyone, yourself or an attorney  
23 for General Cigar, write any part of your  
24 declaration?

25 A No.

1 Q Did anyone other than yourself and  
2 an attorney for General Cigar participate in  
3 the process of drafting your declaration?

4 A No.

5 Q Did you do anything to prepare for  
6 your testimony here today?

7 A Yes.

8 Q Did you meet with counsel for  
9 General Cigar?

10 A I did.

11 Q On how many occasions?

12 A Two.

13 Q And for how long did those meetings  
14 last?

15 A Approximately, two hours.

16 Q Two hours each?

17 A Yes.

18 Q And when did they occur?

19 A Earlier this week, and last week.

20 Q And did you meet with anyone else  
21 about your testimony here today?

22 A I did not.

23 Q Did you review any documents during  
24 either of your two meetings with counsel for  
25 General Cigar?

1           A     I reviewed my declaration and the  
2 annexes, and also the discovery declaration.

3           Q     The discovery transcript?

4           A     Yes, that's what I meant, discovery  
5 transcript.

6           Q     And you're referring to the  
7 transcript of the discovery deposition of  
8 yourself taken in this proceeding in October  
9 of 2017?

10          A     Yes, I am.

11          Q     Did you speak with anyone other  
12 than counsel for General Cigar about your  
13 testimony here today?

14          A     I did not.

15          Q     Can you turn to paragraph 1 of your  
16 declaration, please, on page 2. Let me know  
17 when you're there.

18          A     Be -- let me be sure I'm on page 2.  
19 I'm there.

20          Q     It says you left General Cigar in  
21 January of 2019.

22                   Is that correct?

23          A     That's correct.

24          Q     It also says that you've been an  
25 independent contractor for General Cigar

1 since February of 2019.

2 Is that correct?

3 A That's correct.

4 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

1

[REDACTED]

1

[REDACTED]



1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

25

Q Okay. Can you go into -- I'm going

1 to ask you some questions about paragraph 20  
2 to 22 of your declaration.

3 If you can turn to pages 7 and 8,  
4 please. Let me know when you're there.

5 A I'm there.

6 Q In your declaration in paragraphs  
7 20 to 22, you mention General Cigar's  
8 anti-counterfeit program.

9 Is that correct?

10 A Let me take a moment to reread it  
11 again.

12 (Witness reviewing.)

13 I'm finished.

14 Q So, it says -- you said that you  
15 mentioned General Cigar's anti-counterfeit  
16 program in paragraphs 20 to 22 of your  
17 declaration?

18 A That is accurate.

19 Q You state in paragraph 20 that you  
20 were informed about instances of  
21 counterfeiting, trademark infringement and  
22 enforcement efforts.

23 Is that correct?

24 A Yes.

25 Q If you turn to paragraph 22 D of

1 your declaration on page 8, it expands, I  
2 guess, from 7 to 8.

3 A Can you repeat that, 22, did you  
4 say D?

5 Q D as in David, correct.

6 A Yes, okay.

7 Q You give as an example -- General  
8 Cigar as an example of General Cigar's  
9 anti-counterfeiting program, a 2012 Florida  
10 Division of Alcohol Beverages and -- I'm  
11 sorry, of the Florida Division of the -- of  
12 Alcohol and -- Alcohol Beverages and Tobacco,  
13 a seizure of over a hundred thousand  
14 counterfeit COHIBA cigars from two stores  
15 with an estimated retail value in excess of  
16 \$200,000.

17 Is that correct?

18 MR. NADING: Objection to the form  
19 of the question.

20 A Can you repeat the question for me,  
21 please?

22 Q Do you want to read it back from  
23 the transcript, Mike?

24 (Whereupon the record was read back  
25 by the reporter.)

1 MR. FRANK: I will repeat it.

2 Q Is it accurate that you give as an  
3 example of General Cigar's  
4 anti-counterfeiting program a 2012 Florida  
5 Division of Alcohol Beverages and Tobacco  
6 seizure of over 100,000 counterfeit COHIBA  
7 cigars from two stores with an estimated  
8 retail value in excess of \$200,000?

9 A Yes.

10 MR. NADING: Objection to the form  
11 of the question.

12 Q Okay. I'm going to introduce as  
13 Exhibit 3 a page Bates labeled GENC 0001 --  
14 I'm sorry, 5167.

15 (Whereupon the above mentioned was  
16 marked for Identification.)

17 MR. FRANK: Again for the court  
18 reporter, that's GENC 0005167.

19 Q This is a document included in  
20 Annex A of your declaration.

21 I will share this via chat, if you  
22 give me a second. Should be in the chat,  
23 now.

24 MR. FRANK: Please let me know if  
25 you can see it, Ms. Jaworski and John?

1 MR. NADING: I see it. I haven't  
2 been able to open it yet.

3 A I'm not getting the chat box on the  
4 bottom.

5 Q You don't see the chat box at the  
6 bottom, if you maximize your screen? Do you  
7 see it now?

8 A Let me try to minimize it, maybe  
9 that will help.

10 (Whereupon a discussion was held  
11 off the record.)

12 Q You're not seeing the chat icon at  
13 all, Ms. Jaworski?

14 MR. FRANK: Off the record for a  
15 second.

16 (Whereupon a discussion was held  
17 off the record.)

18 (Brief recess taken.)

19 MR. FRANK: John, are you ready?

20 MR. NADING: Yes.

21 Q Let me know, Ms. Jaworski, when  
22 you're ready?

23 A I'm ready.

24 Q Ms. Jaworski, are you now looking  
25 at what I labeled Petitioner's Exhibit 3, a

1 document Bates labeled GENC 0005167, the  
2 declaration?

3 A (Witness reviewing.)

4 GENC 0 -- give me the numbers  
5 again, please.

6 Q 0005167. Should be about the  
7 28th page of your Annex A?

8 A Sixty-seven, I have it in front of  
9 me, yes.

10 Q Can you confirm that you attached  
11 this document to your declaration?

12 A Yes.

13 Q Is it a true and correct copy of a  
14 press release that General Cigar has issued?

15 A It appears to be.

16 Q When you say it appears to be, do  
17 you have any reason to believe that it's not?

18 A No. Well, I'm looking and typical  
19 press release format would have contact  
20 information for the issuant, and I'm not  
21 seeing that here.

22 Q Can you go to paragraph 26 of your  
23 declaration, Exhibit 2, that we introduced  
24 here today?

25 A Okay.

1 Q Let me know when you're there.

2 A I'm there.

3 Q It says, attached hereto are true  
4 and correct copies of press releases that  
5 General Cigar has issued over several years?

6 A Uh-huh.

7 Q This is included -- the Exhibit 3  
8 is included as part of Annex A.

9 Is that correct?

10 A That is correct.

11 Q So do you believe that you're --  
12 your statement in paragraph 26 is not  
13 accurate?

14 MR. NADING: Object to the form of  
15 the question.

16 A To clarify, the point that I made  
17 before is that I just didn't see contact  
18 information on the head of the press release.

19 Q Other than the contact information,  
20 do you have any reason to believe this is not  
21 a press release -- a true and correct copy of  
22 a press release issued by General Cigar?

23 A Other than contact information, no.

24 Q Is this a press release that was  
25 issued on January -- I'm sorry, April 24,

1 2012?

2 A Yes, it appears to be.

3 Q So is this press release -- is the  
4 2012 seizure that you described in paragraph  
5 22 D of your declaration the same seizure  
6 described in this press release?

7 MR. NADING: I object to the form  
8 of the question.

9 A (Witness reviewing.)

10 I believe so.

11 MR. FRANK: What is the basis of  
12 your objection, Mr. Nading?

13 MR. NADING: Foundation, I don't  
14 believe you established how much  
15 granularity the witness has about the  
16 reference of paragraph 22 D of her  
17 declaration.

18 Q The press release that's marked as  
19 Exhibit 3 does not mention the seizure of  
20 over 100,000 counterfeit COHIBA cigars with  
21 an estimated value of \$200,000, does it?

22 MR. NADING: Objection to the form  
23 of the question.

24 A So, can you repeat the question for  
25 me, please.



1           Q     The press release does not mention  
2     the seizure of over 100,000 counterfeit  
3     COHIBA cigars with an estimated value of over  
4     \$200,000, does it?

5           MR. NADING:   Same objection.

6           A     It does not.

7           Q     It mentions a seizure of over  
8     10,000 COHIBA cigars with an estimated value  
9     of over \$200,000.

10          Is that correct?

11          A     That is correct.

12          Q     So your statement in paragraph 22 D  
13     of your declaration that over 100,000  
14     counterfeit COHIBA cigars is incorrect?

15          MR. NADING:   Object to the form of  
16     the question.

17          Q     Is that accurate?

18          MR. NADING:   Same objection.

19          A     Mr. Frank, ask me the question  
20     again, please?

21          Q     Your statement in paragraph 22 D of  
22     your declaration, that over 100,000  
23     counterfeit COHIBA cigars were seized, that's  
24     incorrect.

25          Is that accurate?

1 MR. NADING: Object to the form of  
2 the question. You've asked this  
3 multiple times.

4 MR. FRANK: I asked it once, she  
5 asked me to repeat it.

6 A I'm seeing a discrepancy between  
7 the press release and the declaration.

8 Q Concerning the -- the seizure of  
9 COHIBA cigars in 2012, did you ever see what  
10 the seized cigars looked like?

11 MR. NADING: Objection to the form  
12 of the question. Vague.

13 MR. FRANK: I will rephrase it.

14 Q Concerning the seizure in 2012,  
15 referred to in paragraph 22 D of your  
16 declaration, did you ever see any of the  
17 cigars that were seized?

18 A I can't recall.

19 Q Do you know if any of them had a  
20 black and white checkerboard pattern in the  
21 design of the cigar band?

22 MR. NADING: Object to the form of  
23 the question.

24 A I can't recall if I have seen any  
25 imagery, so I can't speculate on what the

1     imagery would have looked like.

2           Q     Do you know if any of the -- any of  
3     the seized cigars included the color yellow  
4     in the design of the trademark used on the  
5     band?

6           MR. NADING:   Object to the form of  
7     the question.

8           A     Again, I can't recall if I've seen  
9     any imagery of this -- of the cigars, so I  
10    can't speculate as to what they may or may  
11    not have looked like.

12          Q     So you don't -- also don't know if  
13    any of these seized cigars included an Indian  
14    head in their design?

15          MR. NADING:   Object to the form of  
16    the question.

17          Q     Is that correct?

18          A     I don't know what the cigars looked  
19    like because I don't recall having seen  
20    imagery.

21          Q     Do you know if any of these cigars  
22    included the word Havana in the cigar band or  
23    any of the materials that accompanied them?

24          MR. NADING:   Same objection.

25          A     Again, I don't recall having seen

1 the cigars, so I can't say what they would  
2 have looked like.

3 Q Do you know if any of these cigars  
4 included the word Habana in the band or any  
5 of the materials that accompanied them?

6 MR. NADING: Same objection.

7 A My response -- my response is the  
8 same.

9 Q Do you know if any of the cigars  
10 included the word Cuba in any of the bands or  
11 any of the materials that accompanied them?

12 MR. NADING: Objection.

13 A Given that I don't recall having  
14 seen the cigars, I cannot answer this  
15 question.

16 Q Another example you provide of  
17 General Cigar's anti-counterfeiting program  
18 is in 2011, state and federal law enforcement  
19 officials seized 3,000 counterfeit COHIBA  
20 cigars in Key West, Florida, from seven  
21 retail stores.

22 Is that correct?

23 MR. NADING: Object to the form of  
24 the question.

25 A Would you be referring to the

1 declaration?

2 Q I'm referring to paragraph 22 C of  
3 your declaration.

4 A Okay. Can you repeat that for me,  
5 please, Mr. Frank.

6 Q Is another example of General  
7 Cigar's anti-counterfeiting program that you  
8 give in your declaration, a 2011 state and  
9 federal law enforcement official seizure of  
10 3,000 counterfeit COHIBA cigars in Key West,  
11 Florida, from seven retail stores?

12 MR. NADING: Objection to the form  
13 of the question.

14 A That is what is stated here, yes.

15 Q And did you ever see any of the  
16 seized cigars, any of these seized cigars?

17 A I don't recall.

18 Q Do you know if any of these seized  
19 cigars included a black and white  
20 checkerboard pattern in their design?

21 MR. NADING: Object to the form of  
22 the question.

23 A Again, I don't recall having seen  
24 the cigars, so I cannot say what they looked  
25 like.

1           Q     Do you know if any of them included  
2     an Indian head in their -- either in the band  
3     or any of the materials that accompanied  
4     them?

5           A     I can't answer that.

6                     MR. NADING:  Objection.

7           Q     Do you know if any of the cigars  
8     included the word Havana in the band or any  
9     of the materials that accompanied them?

10                    MR. NADING:  Object to the form of  
11     the question.

12          A     I don't know because I don't recall  
13     having seen the cigars.

14          Q     Do you know if any of these cigars  
15     included the word Habana or -- in the band or  
16     any of the materials that accompanied them?

17                    MR. NADING:  Same objection.

18          A     My response is the same.  I don't  
19     recall having seen the cigars, so I can't say  
20     what they looked like.

21          Q     Do you recall ever -- strike that.

22                    Do you know if any of these cigars  
23     included the word Cuba in the band or any of  
24     the materials that accompanied them?

25                    MR. NADING:  Same objection.

1 A I don't know.

2 Q Does the General Cigar COHIBA cigar  
3 use a black and white checkerboard pattern in  
4 its design?

5 A It does not.

6 Q Does the General Cigar COHIBA cigar  
7 use an Indian head in its design?

8 A It does not.

9 Q Does the General Cigar COHIBA cigar  
10 use the word Havana in its design or in any  
11 of the materials that it contains?

12 A It does not.

13 Q Okay. Another example of General  
14 Cigar's anti-counterfeiting program that you  
15 give, I'm referring to paragraph 22 E now of  
16 your declaration, is that in 2015 Florida  
17 Alcohol Beverages and Tobacco seized  
18 counterfeit COHIBA cigars with an estimated  
19 retail value of over a hundred thousand  
20 dollars, and tens of thousands of counterfeit  
21 cigar bands and boxes.

22 Is that correct?

23 MR. NADING: Object to the form of  
24 the question.

25 A That's what I have stated here,

1     yes.

2           Q     And did you see what any of the  
3     seized cigars looked like?

4           MR. NADING:   Object to the form of  
5     the question.

6           MR. FRANK:   Let me strike that.

7           Q     Did you see what any of these  
8     seized cigars looked like?

9           MR. NADING:   Objected to the form  
10    of the question.

11          A     I don't recall having seen these  
12    cigars.

13          Q     Do you know if any of them included  
14    a black and white checkerboard pattern in the  
15    design or any of the materials that  
16    accompanied them?

17          MR. NADING:   Objection to the form  
18    of the question.

19          A     Once again, I haven't seen -- I  
20    don't recall having seen these cigars, so I  
21    can't say what they looked like.

22          Q     Do you know if any of these seized  
23    cigars included an Indian head in their  
24    design or in any of the materials that  
25    accompanied them?



1 MR. NADING: Same objection.

2 A I don't recall having seen the  
3 cigars, so I can't say what they looked like.

4 MR. FRANK: Mr. Nading, the basis  
5 of your objection, what is the basis of  
6 your form objection?

7 MR. NADING: Asked and answered.  
8 The witness has said up front that she  
9 doesn't recall seeing the cigars and you  
10 asked about five questions about  
11 specifics about the cigars that she  
12 testified that she doesn't recall  
13 seeing.

14 Q The question is whether or not -- I  
15 asked whether or not you've seen the cigars  
16 and whether or not you otherwise know the  
17 answers to any of these questions,  
18 Ms. Jaworski, just for clarification.

19 Do you know if any of the seized  
20 cigars included an Indian head design in the  
21 band or any of the materials that accompanied  
22 them?

23 MR. NADING: Same objection.

24 A I don't know.

25 Q Do you know if any of these cigars

1 included the word Havana in the band or any  
2 of the materials that accompanied them?

3 MR. NADING: Objection.

4 A I don't recall, I don't know.

5 Q Do you know if any of the cigars  
6 included the word Habana in the band or any  
7 of the materials that concerned them?

8 MR. NADING: Same objection.

9 A I'm not sure.

10 Q Do you know if any of the cigars  
11 included the word Cuba in the band or in any  
12 of the materials that accompanied them?

13 MR. NADING: Same objection.

14 A I'm not sure.

15 Q Did you know -- strike that. Did  
16 you ever see the seized bands and boxes  
17 referenced in paragraph 22 E of your  
18 declaration?

19 A Not that I can recall.

20 Q And do you know otherwise know if  
21 any of these bands or boxes included a black  
22 and white checkerboard pattern?

23 MR. NADING: Objection to the form  
24 of the question.

25 A I can't be sure.

1 Q Do you otherwise know if any of  
2 these bands or boxes included the word  
3 Havana?

4 MR. NADING: Same objection.

5 A Again, I can't be sure.

6 Q Do you know if any of these bands  
7 or boxes included the word Habana?

8 MR. NADING: Same objection.

9 A I'm not aware.

10 Q Do you know if any of these bands  
11 or boxes included the word COHIBA -- strike  
12 that. Strike that question.

13 Do you know if any of these bands  
14 or boxes included the word Cuba?

15 MR. NADING: Same objection.

16 A I can't be sure.

17 MR. FRANK: Give me five minutes,  
18 let's take a five-minute break. I  
19 believe that's -- off the record.

20 (Whereupon a discussion was held  
21 off the record.)

22 (Brief recess taken.)

23 Q Ms. Jaworski, just for the record  
24 in my previous questions I was making a  
25 distinction between H-A-V-A-N-A and

1 H-A-B-A-N-A.

2 Was -- were your responses to those  
3 two spellings of the word?

4 A I would have to go back and see the  
5 context.

6 Q I can go through the questions  
7 again if you want. Just for clarity, I will  
8 reask you the questions.

9 Okay?

10 A Okay. Mr. Frank, is there the  
11 option after asking a couple of the  
12 questions, so that we don't have to run  
13 through all of them, or is it an all or  
14 nothing?

15 I want to be sure I'm agreeing a  
16 hundred percent to the right thing. I  
17 certainly don't want to make a mistake, so --

18 Q I don't think there will be many  
19 questions. We're just going through --

20 MR. SCHWARTZMAN: I was going to  
21 say, it's Josh, maybe you can go through  
22 one of them, like you started with 22 D,  
23 and ask her if her understanding is  
24 consistent with the rest of what you  
25 asked or something like that, that way

1           maybe we do it once. It's up to you.

2           MR. FRANK: That's acceptable to  
3           me.

4           Q     There are only three cases, I will  
5           just run through them.

6           Ms. Jaworski, previously, you  
7           provided testimony concerning the cigars  
8           seized that you referenced in paragraph 22 D  
9           of your declaration.

10          Do you recall that?

11          A     Yes.

12          Q     And I asked you a series of  
13          questions about whether or not you knew if  
14          any of those seized cigars included certain  
15          characteristics.

16          Do you recall that?

17          A     I do recall that.

18          Q     Do you know if any of the cigars  
19          that were seized that you reference here in  
20          paragraph 22 D, if any of those cigars  
21          included the word H-A-B-A-N-A in the bands or  
22          any of the materials that accompanied them?

23          A     I can't be sure.

24          Q     Do you recall that you also gave  
25          testimony concerning the cigars -- COHIBA

1 cigars seized that you referenced in  
2 paragraph 22 C, as in Charlie, of your  
3 declaration?

4 A I do.

5 Q And do you know if any of the  
6 cigars that were seized that you reference  
7 here in paragraph 22 C, if any of those  
8 cigars included the word H-A-B-A-N-A in the  
9 cigar -- on the cigar band or any of the  
10 materials that accompanied them?

11 A I can't be sure.

12 Q And do you recall giving testimony  
13 previously about the cigars and counterfeit  
14 bands and boxes that were seized that you  
15 reference here in paragraph 22 E of your  
16 declaration?

17 A I do recall.

18 Q Did any of the cigars that you  
19 reference here in paragraph 22 E, did any of  
20 them to your knowledge include the word  
21 H-A-B-A-N-A on their bands or in any of the  
22 materials that accompanied them?

23 A I can't be sure.

24 Q Do you know if any of the cigar  
25 bands or boxes that were seized that you

1 reference here in paragraph 22 E, if any of  
2 those included the word H-A-B-A-N-A?

3 A I can't be sure.

4 Q Okay.

5 MR. FRANK: I believe those are my  
6 questions, John.

7 MR. NADING: I just a few questions  
8 for you, Ms. Jaworski.

9  
10 EXAMINATION BY MR. NADING:

11 Q You testified earlier that you were  
12 being compensated hourly for your testimony  
13 here today.

14 Is that correct?

15 A That is correct.

16 Q Is that compensation at all  
17 dependent on the actual substance of your  
18 testimony today?

19 A It is not.

20 Q Earlier today, Mr. Frank asked you  
21 a couple of questions on your involvement in  
22 publicizing General Cigar's enforcement  
23 efforts.

24 Is that correct?

25 A That is correct.

1 Q And Mr. Frank asked you about  
2 whether you recalled seeing certain seized  
3 cigars or cigar bands and boxes that had been  
4 seized.

5 Is that correct?

6 A That is correct.

7 Q In your role as director of public  
8 relations for General Cigar, do you know if  
9 General Cigar enforces the word COHIBA as  
10 part of its anti-counterfeiting efforts?

11 A The word COHIBA, yes.

12 Q Referring to paragraph 22 of your  
13 declaration, Mr. Frank had previously asked  
14 you if you knew if any of these bands or  
15 boxes included the word COHIBA before  
16 striking that question.

17 Do you recall that?

18 A I do.

19 Q Do you know whether the seized  
20 cigars in any of the paragraphs -- any of the  
21 instances in paragraph 22 of your declaration  
22 included the word COHIBA?

23 A I would assume they do. They did.

24 Q And similarly, do you know whether  
25 any of the seized cigar bands and boxes in



1 any of the instances in paragraph 22 of your  
2 declaration included the word COHIBA?

3 A I would assume so.

4 Q Why would you assume that some of  
5 the seized cigars in the instances in  
6 paragraph 22 of your declaration would have  
7 included the word COHIBA?

8 MR. FRANK: Objection.

9 A I would assume that the word COHIBA  
10 was included because General Cigar protects  
11 its ownership of the COHIBA word in the U.S.,  
12 the COHIBA 'mark in the U.S., so that's what  
13 these seizures would have been about, about  
14 protecting that trademark.

15 Q From your understanding, would you  
16 assume that some of the seized cigar bands  
17 and boxes in the instances in paragraph 22 of  
18 your declaration would have included the word  
19 COHIBA?

20 MR. FRANK: Objection, speculation.

21 A Mr. Nading, could you ask the  
22 question again for me, please?

23 Q I was -- similar to my prior  
24 question, I was specifically asking about the  
25 cigar bands and boxes.

1                   Would your answer be different  
2   about why you would have assumed that the  
3   cigar bands and boxes that were seized would  
4   have included the word COHIBA?

5           A       My answer would have been the same.

6           MR. FRANK:  Objection.

7                   (Whereupon a discussion was held  
8   off the record.)

9           MR. NADING:  Thank you,  
10   Ms. Jaworski.  No further questions.

11                   Before I forget, Mr. Frank, the  
12   witness will read and sign the  
13   transcript, reserve signature.

14           MR. FRANK:  Of course.

15           THE COURT REPORTER:  We did one  
16   realtime connection, and regular  
17   delivery for the original, attaching  
18   exhibits?

19           MR. FRANK:  Yes.

20           THE COURT REPORTER:  Mr. Nading, we  
21   did two realtime connections.  I'll also  
22   send the additional read and sign copy  
23   to your office for distribution to the  
24   witness.

25           MR. NADING:  Fine, thank you.

(Whereupon the deposition was  
concluded at 10:40 a.m.)

(Witness was excused.)

C E R T I F I C A T E

I, MICHAEL FRIEDMAN, a Certified Court Reporter and Notary Public, qualified in and for the State of New Jersey do hereby certify that prior to the commencement of the examination VICTORIA M. JAWORSKI was duly sworn by me to testify to the truth the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER certify that I am neither a relative of nor employee nor attorney nor counsel for any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



MICHAEL FRIEDMAN, CCR of the  
State of New Jersey  
License No: 30XI00228600  
Date: November 21, 2020



DEPOSITION ERRATA SHEET

Assignment No. J 6151342

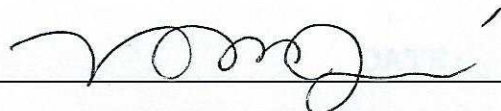
Case Caption: Empresa v. General Cigar

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury  
that I have read the entire transcript of  
my Deposition taken in the captioned matter  
or the same has been read to me, and  
the same is true and accurate, save and  
except for changes and/or corrections, if  
any, as indicated by me on the DEPOSITION  
ERRATA SHEET hereof, with the understanding  
that I offer these changes as if still under  
oath.

Signed on the 23<sup>rd</sup> day of

December, 2020



VICTORIA M. JAWORSKI

DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

VICTORIA M. JAWORSKI

DEPOSITION ERRATA SHEET

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

Page No. \_\_\_\_\_ Line No. \_\_\_\_\_ Change to: \_\_\_\_\_

Reason for change: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

VICTORIA M. JAWORSKI



	0005167	29:12,17,		41:5,11
<b>Exhibits</b>	33:18	21	<b>5</b>	43:3,9,
	35:1,6			16,24
		<b>2020</b>		45:16,25
6151342 Vic		20:20	<b>5167</b>	46:21
toria.	<b>1</b>	<b>22</b>	33:14	47:2,12
McKee Jawor		31:2,7,		50:22
ski.	<b>1</b>	16,25	<b>7</b>	51:10,22
EXHIBIT1	14:5,6	32:3		<b>accurate</b>
14:5,6	26:15	37:5,16	<b>7</b>	31:18
6151342 Vic	<b>10,000</b>	38:12,21	31:3 32:2	33:2
toria.	38:8	39:15		36:13
McKee Jawor		42:2		38:17,25
ski.	<b>100,000</b>	44:15	<b>8</b>	<b>actual</b>
EXHIBIT2	33:6	47:17		52:17
17:7 20:8	37:20	49:22	<b>8</b>	<b>additional</b>
35:23	38:2,13,	50:8,20	31:3	55:22
	22	51:2,7,	32:1,2	<b>advance</b>
6151342 Vic		15,19		18:21
toria.	<b>2</b>	52:1	<b>9</b>	<b>advancing</b>
McKee Jawor		53:12,21		18:7
ski.		54:1,6,17		<b>affect</b>
EXHIBIT3	<b>2</b>		<b>9</b>	13:19,23
33:13	17:7 20:8	<b>24</b>	20:15,16,	<b>agreed</b>
34:25	21:2,5	20:20	17	11:23
36:7	26:16,18	36:25		<b>agreeing</b>
37:19	35:23	<b>26</b>	<b>90</b>	49:15
		35:22	15:6	<b>agreement</b>
	<b>20</b>	36:12		8:11,21
<b>\$</b>	31:1,7,	<b>28th</b>	<b>A</b>	27:11,13,
	16,19	35:7		15
<b>\$125</b>	<b>2011</b>		<b>ability</b>	<b>Alcohol</b>
30:24	41:18		13:19,24	32:10,12
<b>\$200,000</b>	42:8	<b>3</b>	16:2 19:7	33:5
32:16	<b>2012</b>		20:2	44:17
33:8	32:9 33:4	<b>3</b>		<b>allowing</b>
37:21	37:1,4	33:13	<b>acceptable</b>	18:14
38:4,9	39:9,14	34:25	50:2	<b>amount</b>
		36:7	<b>access</b>	29:10,14,
	<b>2015</b>	37:19	19:19,23,	15,19
<b>0</b>	44:16	<b>3,000</b>	24 20:1	<b>Annex</b>
	<b>2017</b>	41:19	<b>accessing</b>	
<b>0</b>	26:9	42:10	18:7	
35:4	<b>2019</b>		<b>accompanied</b>	
<b>0001</b>	26:21		40:23	
33:13	27:1			

33:20	36:25	41:4	34:4,6	50:15
35:7 36:8	<b>arrows</b>	43:2,8,	<b>Boudin</b>	<b>Charlie</b>
<b>annexes</b>	18:10,12	15,23	7:12	51:2
15:25	<b>aspects</b>	46:21	<b>box</b>	<b>chat</b>
17:21,23	9:7,16	47:1,6,11	34:3,5	33:21,22
19:6 26:2	<b>assume</b>	51:9	<b>boxes</b>	34:3,5,12
<b>announcing</b>	53:23	<b>bands</b>	44:21	<b>checkerboard</b>
18:13	54:3,4,9,	41:10	47:16,21	<b>d</b>
<b>answers</b>	16	44:21	48:2,7,	39:20
12:15	<b>assumed</b>	47:16,21	11,14	42:20
46:17	55:2	48:2,6,	51:14,25	44:3
<b>anti-</b>	<b>attached</b>	10,13	53:3,15,	45:14
<b>counterfeit</b>	11:1	50:21	25 54:17,	47:22
31:8,15	35:10	51:14,21,	25 55:3	<b>cigar</b>
<b>anti-</b>	36:3	25 53:3,	<b>break</b>	7:21 8:8
<b>counterfeit</b>	<b>attaching</b>	14,25	11:7,9	9:22
<b>ing</b>	55:17	54:16,25	48:18	10:3,4,9,
32:9 33:4	<b>attending</b>	55:3	<b>breaks</b>	23 17:9
41:17	7:25	<b>basis</b>	11:9,14	20:23
42:7	<b>attorney</b>	9:10 29:7		23:2,11
44:14	24:16,22	30:22	<b>C</b>	24:23
53:10	25:2	37:11		25:2,9,25
<b>anticipate</b>	<b>attorney/</b>	46:4,5	<b>camera</b>	26:12,20,
15:1 19:5	<b>client</b>	<b>Bates</b>	12:7	25 27:4,
<b>anticipatin</b>	9:13	33:13	<b>cancellatio</b>	9,21
<b>g</b>	19:10	35:1	<b>n</b>	28:3,18
14:24	22:21	<b>begin</b>	10:8	29:4,20,
<b>Appeal</b>	23:15	12:13	<b>case</b>	23 30:15
9:24 10:7	24:4,13	<b>Beverages</b>	7:14	32:8
12:18	<b>aware</b>	32:10,12	<b>cases</b>	35:14
20:23	8:24 48:9	33:5	50:4	36:5,22
<b>appearing</b>		44:17	<b>catch</b>	39:21
14:12	<b>B</b>	<b>black</b>	8:3	40:22
15:17		39:20	<b>cetera</b>	44:2,6,9,
<b>appears</b>	<b>back</b>	42:19	13:13	21 51:9,
35:15,16	16:16	44:3	<b>changed</b>	24 53:3,
37:2	32:22,24	45:14	29:14,15,	8,9,25
<b>Approximate</b>	49:4	47:21	21	54:10,16,
<b>ly</b>	<b>band</b>	<b>Board</b>	<b>characteris</b>	25 55:3
25:15	39:21	9:24 10:8	<b>tics</b>	
<b>April</b>	40:5,22	12:19		<b>Cigar's</b>
		20:23		31:7,15
		<b>bottom</b>		32:8 33:3
				41:17
				42:7

44:14	14,23	52:16	<b>copies</b>	26:12
52:22	39:9	<b>concerned</b>	36:4	27:24
<b>cigars</b>	41:19	47:7	<b>copy</b>	28:6,19
32:14	42:10	<b>condition</b>	15:22	<b>counterfeit</b>
33:7	44:2,6,9,	13:23	16:7	32:14
37:20	18 48:11	<b>confirm</b>	35:13	33:6
38:3,8,	50:25	35:10	36:21	37:20
14,23	53:9,11,	<b>connection</b>	55:22	38:2,14,
39:9,10,	15,22	55:16	<b>Corporation</b>	23 41:19
17 40:3,	54:2,7,9,	<b>connections</b>	9:23	42:10
9,13,18,	11,12,19	55:21	<b>correct</b>	44:18,20
21 41:1,	55:4	<b>consistent</b>	8:6 21:8,	51:13
3,9,14,20	<b>collaborati</b>	49:24	9,10,12	<b>counterfeit</b>
42:10,16,	<b>ve</b>	<b>consult</b>	26:22,23	<b>ing</b>
19,24	22:9,13	11:11,15	27:2,3,22	31:21
43:7,13,	23:8,19	<b>consultant</b>	28:25	<b>couple</b>
14,19,22	<b>colleague</b>	28:2	29:13	9:7,15,16
44:18	7:24	29:16,21	31:9,23	49:11
45:3,8,	<b>color</b>	<b>contact</b>	32:5,17	52:21
12,20,23	40:3	35:19	35:13	<b>court</b>
46:3,9,	<b>comfortable</b>	36:17,19,	36:4,9,	10:12
11,15,20,	28:4,5	23	10,21	12:21
25 47:5,	29:2,4	<b>content</b>	38:10,11	33:17
10 50:7,	<b>communicati</b>	21:24	40:17	55:15,20
14,18,20,	<b>on</b>	22:1	41:22	<b>covered</b>
25 51:1,	22:22	23:20	44:22	30:6,7,12
6,8,13,18	<b>communicati</b>	24:15	52:14,15,	<b>COVID-19</b>
53:3,20	<b>ons</b>	<b>context</b>	24,25	11:22
54:5	9:14	49:5	53:5,6	<b>cross</b>
<b>clarificati</b>	13:12	<b>continue</b>	<b>counsel</b>	14:10
<b>on</b>	24:15	23:15	7:13,16,	16:8
46:18	<b>Company</b>	<b>continuing</b>	18 8:8,	<b>Cuba</b>
<b>clarify</b>	7:22 9:23	24:3	12,22	41:10
36:16	<b>compensate</b>	<b>contractor</b>	10:14	43:23
<b>clarity</b>	27:4	26:25	11:12,16,	47:11
49:7	<b>compensated</b>	27:6,10	23 12:16	48:14
<b>clear</b>	28:3,11	29:11	13:13	<b>Cubana</b>
12:18,25	29:3,6,10	<b>control</b>	15:21	9:21 10:1
17:1	52:12	17:14	17:20,24	<b>Cubatabaco</b>
<b>COHIBA</b>	<b>compensatio</b>	<b>copies</b>	18:25	9:22
32:14	<b>n</b>	26:12	21:23	10:2,9
33:6	29:15	27:24	22:17	
37:20		28:6,19	23:21	
38:3,8,		28:14	24:9	
		28:20	25:8,24	

<b>Culbro</b> 9:23	<b>declare</b> 21:5	<b>discrepancy</b> 39:6	<b>Dropbox</b> 14:21 19:11	37:14
<hr/>	<b>Del</b> 9:21 10:1	<b>discussion</b> 17:4	<hr/>	<b>estimated</b> 32:15
<b>D</b>	<b>delivery</b> 55:17	19:16	<b>E</b>	33:7
<b>d/b/a</b> 9:22 10:1	<b>dependent</b> 52:17	34:10,16 48:20	<hr/>	37:21
<b>date</b> 16:20 17:1	<b>deposition</b> 7:25	55:7	<b>earlier</b> 14:25	38:3,8 44:18
<b>David</b> 32:5	16:21	<b>distinction</b> 48:25	25:19	<b>examination</b> 7:7 10:24
<b>decided</b> 16:22	<b>design</b> 39:21	<b>distributio</b> n 55:23	52:11,20	52:9
<b>declaration</b> 10:21,25 15:2,3,25 17:8 20:8,9,22 21:11,15, 17,19 22:18 23:2,12 24:17,24 25:3 26:1,2,16 27:18,25 28:21 29:25 31:2,6,17 32:1 33:20 35:2,11, 23 37:5, 17 38:13, 22 39:7, 16 42:1, 3,8 44:16 47:18 50:9 51:3,16 53:13,21 54:2,6,18	26:7	<b>Division</b> 32:10,11 33:5	<b>ease</b> 9:25	<b>examine</b> 14:10 16:8
	<b>develop</b> 23:20	<b>DLA</b> 7:20 8:4, 5	<b>Eden</b> 7:24 8:2	<b>exceed</b> 13:13
	<b>developing</b> 21:24	<b>document</b> 15:5,12, 20,24	<b>efforts</b> 31:22	<b>excess</b> 32:15
	<b>development</b> 21:16 22:14	16:3,4,10 17:14,15, 25 20:7, 10,19 22:15 33:19 35:1,11	52:23 53:10	33:8
	<b>difficult</b> 11:5	<b>documents</b> 10:20,21 15:23 19:20 25:23	<b>election</b> 14:9 16:7,15	<b>Exhibit</b> 14:5 17:7 20:8
	<b>direct</b> 20:24 28:23	<b>dollar</b> 29:5	<b>elicit</b> 24:4	33:13 34:25 35:23
	<b>directing</b> 28:7	<b>dollars</b> 44:20	<b>Empresa</b> 9:21 10:1	36:7 37:19
	<b>director</b> 53:7	<b>drafting</b> 22:5,8 25:3	<b>end</b> 18:6	<b>exhibits</b> 10:20 11:1
	<b>directs</b> 10:17		<b>enforcement</b> 31:22 41:18 42:9 52:22	14:19 15:2 19:2,13, 20,25 55:18
	<b>discovery</b> 26:2,3,4, 7		<b>enforces</b> 53:9	<b>expands</b> 32:1
			<b>entire</b> 12:3 18:15	<b>explain</b> 9:16
			<b>equivalent</b> 10:11	<b>extent</b> 13:11 22:20 23:14
			<b>established</b>	

		44:16	16,22	General	
F	focus		17:3,6,22	7:21 8:8	H
	10:24		18:2,21	9:22	
face	forget		19:14,18	10:3,4,9,	H-A-B-A-N-A
12:3	55:11		20:1	22 17:9	49:1
February	form		24:10,20	20:22	50:21
27:1	8:14,25		28:1,6,	23:1,11	51:8,21
29:11,16,	9:5 21:20		12,22	24:23	52:2
21	22:19		33:1,17,	25:2,9,25	H-A-V-A-N-A
federal	23:3		24 34:14,	26:12,20,	48:25
41:18	27:16		19 37:11	25 27:4,	Habana
42:9	30:3,10,		38:19	9,21	41:4
fee	19 32:18		39:4,13	28:3,18	43:15
27:21	33:10		42:5 45:6	29:4,20,	47:6 48:7
figure	36:14		46:4	23 30:15	hands
15:10	37:7,22		48:17	31:7,15	12:5
29:5	38:15		49:10	32:7,8	harassing
filed	39:1,11,		50:2	33:3	24:1
17:9	22 40:6,		52:5,20	35:14	hard
find	15 41:23		53:1,13	36:5,22	15:5
15:8	42:12,21		54:8,20	41:17	Havana
Fine	43:10	front	55:6,11,	42:6	40:22
55:25	44:23	35:8 46:8	14,19	44:2,6,9,	43:8
finish	45:4,9,17	frustrating		13 52:22	44:10
11:6	46:6	23:23		53:8,9	47:1 48:3
finished	47:23	full	give	54:10	head
15:15	formal	19:19,23	17:13		12:24
20:6	19:1	20:1	32:7		36:18
31:13	format	fully	33:2,22		40:14
firm	35:19	13:20,24	35:4 42:8		43:2 44:7
five-minute	forward	function	44:15		45:23
48:18	9:8	27:14	48:17		46:20
fixed	Foundation		giving		hear
27:8,11	37:13		10:6,11		8:17
Florida	framework		12:24		12:21
32:9,11	13:14	G	28:13		held
33:4	Frank		29:5		17:4
41:20	7:7,11,18	gave	51:12		19:16
42:11	8:2 9:9	50:24	granularity		34:10,16
	13:5,16	GENC	37:15		48:20
	14:4,22	33:13,18	guess		55:7
	15:9	35:1,4	15:23		
	16:6,13,		32:2		

<b>helpful</b> 12:3,5	<b>include</b> 51:20	36:18,19, 23	36:5,22, 25	<hr/> <b>K</b> <hr/>
<b>hereto</b> 36:3	<b>included</b> 33:19	<b>informed</b> 31:20	<hr/> <b>J</b> <hr/>	<b>Key</b> 41:20
<b>highlight</b> 18:9	36:7,8 40:3,13, 22 41:4, 10 42:19	<b>infringemen</b> <b>t</b> 31:21	<b>January</b> 26:21 36:25	42:10
<b>highlightin</b> <b>g</b> 17:25 18:3	43:1,8, 15,23 45:13,23 46:20	<b>instances</b> 31:20 53:21 54:1,5,17	<b>Jaworski</b> 7:10 8:7, 18 9:18 14:14 15:12 17:8,13 18:3 28:14 29:7 33:25 34:13,21, 24 46:18 48:23 50:6 52:8 55:10	<b>keyboard</b> 18:11
<b>hold</b> 16:22	47:1,6, 11,21 48:2,7, 11,14	<b>instruct</b> 11:18		<b>kind</b> 16:5
<b>hour</b> 30:24	50:14,21 51:8 52:2 53:15,22 54:2,7, 10,18 55:4	<b>instruction</b> <b>s</b> 13:11		<b>knew</b> 50:13 53:14
<b>hourly</b> 30:21,23 52:12		<b>interrupt</b> 13:8		<b>knowledge</b> 51:20
<b>hours</b> 25:15,16		<b>introduce</b> 14:4,19 17:6 19:12 33:12		<b>Krinsky</b> 7:12
<b>hundred</b> 32:13 44:19 49:16	<b>including</b> 11:14	<b>introduced</b> 35:23	<b>Jaworski's</b> 27:18	<hr/> <b>L</b> <hr/>
<hr/> <b>I</b> <hr/>	<b>Incorporate</b> <b>d</b> 9:23	<b>introducing</b> 15:1 19:2,6	<b>John</b> 7:20 16:8,23 19:18 33:25 34:19 52:6	<b>labeled</b> 33:13 34:25 35:1
<b>icon</b> 34:12	<b>incorrect</b> 38:14,24	<b>involved</b> 22:5,8,14		<b>law</b> 7:11 41:18 42:9
<b>Identificat</b> <b>ion</b> 14:8 17:12 33:16	<b>independent</b> 26:25 27:5,9 28:1 29:11,16, 20	<b>involved</b> 22:5,8,14	<b>joined</b> 7:23	<b>laws</b> 21:6
<b>imagery</b> 39:25 40:1,9,20	<b>Indian</b> 40:13 43:2 44:7 45:23 46:20	<b>involvement</b> 52:21	<b>Josh</b> 14:25 49:21	<b>lawsuit</b> 10:12
<b>important</b> 12:1,17	<b>information</b> 23:16 24:5,14 35:20	<b>issued</b> 14:11 35:14	<b>Joshua</b> 7:23	<b>lawyer</b> 9:3 23:11
<b>improperly</b> 24:3			<b>judge</b> 10:13	<b>lawyers</b> 22:16 23:1
				<b>left</b> 26:20
				<b>legal</b>

7:16 8:7,	<b>mark</b>	17:11	15:4,21	14:9,13
12,22	54:12	31:15	16:9,14,	15:17
10:14	<b>marked</b>	33:15	19,25	16:7,15
11:16	10:20	<b>mentions</b>	17:20,24	<b>numbers</b>
12:16	14:8	38:7	18:25	35:4
22:17	17:12	<b>Mike</b>	19:21	
23:21	33:16	32:23	20:4	
<b>Lieberman</b>	37:18	<b>minimize</b>	21:20	<b>O</b>
7:13	<b>materials</b>	34:8	22:3,19	
<b>lies</b>	40:23	<b>minute</b>	23:3,13,	<b>oath</b>
16:12	41:5,11	13:9	25 24:18	28:13
<b>Lindsey</b>	43:3,9,	<b>minutes</b>	27:16,23	<b>object</b>
7:11	16,24	48:17	28:9,19	9:5 10:15
14:18	44:11	<b>mistake</b>	29:1	13:10
17:2	45:15,24	49:17	30:3,10,	21:20
<b>link</b>	46:21	<b>moment</b>	19 32:18	30:10,19
14:21	47:2,7,12	17:23	33:10	36:14
19:11	50:22	31:10	34:1,20	37:7
<b>long</b>	<b>matter</b>	<b>money</b>	36:14	38:15
25:13	18:5	29:19	37:7,12,	39:1,22
<b>looked</b>	<b>maximize</b>	<b>monthly</b>	13,22	40:6,15
39:10	34:6	27:21	38:5,15,	41:23
40:1,11,	<b>Mckee</b>	29:6	18 39:1,	42:21
18 41:2	17:8	<b>Morley</b>	11,22	43:10
42:24	<b>meant</b>	7:24	40:6,15,	44:23
43:20	26:4	<b>move</b>	24 41:6,	45:4
45:3,8,21	<b>medical</b>	12:7	12,23	<b>Objected</b>
46:3	13:23	24:9,21	42:12,21	45:9
<b>lower</b>	<b>medication</b>	<b>multiple</b>	43:6,10,	<b>objection</b>
18:7	13:18	24:2,8	17,25	8:14,25
<b>M</b>	<b>meet</b>	39:3	44:23	9:10 13:6
	25:8,20	<b>N</b>	45:4,9,17	19:1
<b>made</b>	<b>meetings</b>		46:1,4,7,	22:3,19
28:19	25:13,24		23 47:3,	23:13,25
36:16	<b>mention</b>		8,13,23	27:16
<b>make</b>	31:7	<b>Nading</b>	48:4,8,15	28:20
13:6 19:1	37:19	7:20 8:5,	52:7,9	30:3
49:17	38:1	14,25	54:21	32:18
<b>making</b>	<b>mentioned</b>	9:5,12	55:9,20,	33:10
48:24	14:7	13:5,17	25	37:12,22
		14:17	<b>navigating</b>	38:5,18
			18:6	39:11
			<b>Noted</b>	40:24
			13:16	41:6,12
			<b>notice</b>	42:12

43:6,17, 25 45:17 46:1,5,6, 23 47:3, 8,13,23 48:4,8,15 54:8,20 55:6	<hr/> p <hr/>	participate d 21:16,23	Petitioner' s 14:5 17:7 34:25	19:10 23:4
pager 19:4		participati ng 30:9	privileged 9:13 pinpoint 22:22 22:10 23:16 24:4	
pages 31:3		parties 11:23	Piper 7:21 8:4, 6	probing 9:12
objections 12:15 23:3 24:19	paid 27:14,15 28:5,17 30:14,16	parts 22:7	place 11:20	problem 16:5 17:3
occasions 25:11	pandemic 11:22	pattern 39:20 42:20 44:3 45:14 47:22	plan 15:8	problematic 19:3
occur 25:18	paragraph 26:15 31:1,19, 25 35:22 36:12	paying 9:2 29:23 30:5,8, 17,21	planning 14:18	proceeding 9:20,21 10:8 11:19 13:15 17:10
October 26:8	office 37:4,16 38:12,21 39:15 42:2 44:15 47:17	pays 29:20	point 20:5 36:16	portions 20:25 26:8 30:1
office 11:21 55:23	official 42:9	penalty 21:6	prepare 25:5	proceedings 9:8,17 12:20
officials 41:19	officials 50:8,20 51:2,7, 15,19 52:1 53:12,21 54:1,6,17	percent 15:6 49:16	preparing 29:24	process 11:20 12:2 22:10,13 23:8,19, 23 25:3
open 34:2	opening 19:21	period 10:23	press 35:14,19 36:4,18, 21,22,24 37:3,6,18 38:1 39:7	product 18:1
option 49:11	paragraphs 31:6,16 53:20	perjury 21:6	previous 48:24	program 31:8,16 32:9 33:4 41:17 42:7 44:14
orally 14:10 16:7,15	part 7:25 22:17 23:2,11 24:17,23 36:8 53:10	person 11:20	previously 50:6 51:13 53:13	protecting 54:14
original 55:17	ownership 54:11	personally 9:2	prior 54:23	protects 54:10
	participate 25:2	petitioner 7:13 10:2 14:10	privilege 11:17	



<b>provide</b>	18 46:14	40:8,19,	26:6	<b>reporter</b>
41:16	47:24	25 41:13	41:25	12:14,21
<b>provided</b>	48:12	42:17,23	42:2	32:25
8:8 50:7	53:16	43:12,19,	44:15	33:18
	54:22,24	21 45:11,	53:12	55:15,20
<b>public</b>	<b>questions</b>	20 46:2,	<b>reflects</b>	<b>representat</b>
53:7	12:13,15	9,12	24:6	<b>ion</b>
<b>publicizing</b>	23:24	47:4,19	<b>refusing</b>	8:22
52:22	31:1	50:10,16,	24:11	<b>represented</b>
<b>pursuant</b>	46:10,17	51:12,17	<b>regular</b>	7:15
14:13	48:24	53:17	10:12	<b>representin</b>
15:17	49:6,8,	<b>recalled</b>	55:16	<b>g</b>
<b>put</b>	12,19	53:2	<b>related</b>	8:13
16:16	50:13	<b>recess</b>	29:24	<b>requirement</b>
	52:6,7,21	34:18	<b>relations</b>	<b>s</b>
	55:10	48:22	53:8	13:14
<b>Q</b>	<b>R</b>	<b>record</b>	<b>relationshi</b>	<b>reread</b>
<b>question</b>		7:9,19	<b>ps</b>	31:10
8:15,19	<b>Rabinowitz</b>	12:18	9:14	<b>reserve</b>
9:1,6,11	7:12	13:6,10	<b>release</b>	55:13
10:15,16,	<b>rate</b>	17:5	35:14,19	<b>respond</b>
18 11:6,	30:23	19:2,17,	36:18,21,	11:6
16,18	<b>read</b>	18 24:6	22,24	12:23
15:16	32:22,24	32:24	37:3,6,18	28:7,23,
21:21	55:12,22	34:11,14,	38:1 39:7	24
22:20,23,	<b>ready</b>	17 48:19,	<b>releases</b>	<b>responded</b>
24 23:4,	34:19,22,	21,23	36:4	28:10
10 24:2,	23	55:8	<b>relevant</b>	<b>respondent</b>
11,12,19,	<b>real</b>	<b>refer</b>	27:24	7:21
21 27:17	24:7	10:1,3	<b>remember</b>	<b>responding</b>
28:16	<b>realtime</b>	<b>reference</b>	16:14,20	12:23
30:4,11,	55:16,21	9:25	<b>remote</b>	29:2
20 32:19,	<b>reask</b>	37:16	17:14	<b>response</b>
20 33:11	49:8	50:19	<b>repeat</b>	41:7
36:15	<b>reason</b>	51:6,15,	32:3,20	43:18
37:8,23,	11:17	19 52:1	33:1	<b>responses</b>
24 38:16,	13:2	<b>referenced</b>	37:24	49:2
19 39:2,	35:17	47:17	39:5 42:4	<b>rest</b>
12,23	36:20	50:8 51:1	<b>rephrase</b>	49:24
40:7,16	<b>recall</b>	<b>referred</b>	39:13	<b>retail</b>
41:15,24	39:18,24	39:15		
42:13,22		<b>referring</b>		
43:11				
44:24				
45:5,10,				

32:15	<b>scope</b>	55:22	<b>specifics</b>	<b>submit</b>
33:8	28:21		46:11	14:23
41:21		<b>separately</b>		
42:11	<b>screen</b>	30:5,14,	<b>speculate</b>	<b>submitted</b>
44:19	14:14,20,	16	39:25	10:6,22
	23 15:6		40:10	20:22
<b>retainer</b>	16:17	<b>September</b>		29:25
27:11,13,	34:6	20:20	<b>speculation</b>	
15,21		<b>series</b>	54:20	<b>substance</b>
28:17	<b>scroll</b>	50:12	<b>spellings</b>	52:17
30:6,7,13	15:11,12		49:3	<b>suggest</b>
	16:17	<b>shaking</b>		24:8
<b>reveal</b>	17:15	12:24	<b>Standard</b>	
22:21			7:12	<b>switching</b>
	<b>seek</b>	<b>share</b>		18:20
<b>review</b>	23:15	14:3,19,	<b>started</b>	
16:3		23 15:20	29:10	
17:16	<b>seized</b>	33:21	49:22	<b>T</b>
19:7 20:2	38:23			
25:23	39:10,17	<b>shoulder</b>	<b>state</b>	<b>Tabaco</b>
	40:3,13	19:9	7:8,19	9:22 10:1
<b>reviewed</b>	41:19		31:19	
26:1	42:16,18	<b>showing</b>	41:18	<b>takes</b>
	44:17	10:19	42:8	11:20
<b>reviewing</b>	45:3,8,22	<b>side</b>	<b>stated</b>	<b>taking</b>
15:14	46:19	15:7	42:14	13:18
17:19	47:16	<b>sign</b>	44:25	<b>telling</b>
18:18,24	50:8,14,	20:19	<b>statement</b>	14:25
20:6	19 51:1,	55:12,22	36:12	<b>ten</b>
31:12	6,14,25		38:12,21	19:4
35:3 37:9	53:2,4,	<b>signature</b>		<b>tens</b>
	19,25	20:17	<b>States</b>	44:20
<b>role</b>	54:5,16	55:13	21:7	<b>testified</b>
53:7	55:3	<b>similar</b>	<b>stores</b>	46:12
<b>room</b>		54:23	32:14	52:11
12:8,9,10	<b>seizure</b>		33:7	<b>testify</b>
<b>run</b>	32:13	<b>similarly</b>	41:21	13:3,19,
49:12	33:6	53:24	42:11	24
50:5	37:4,5,19	<b>Sixty-seven</b>		<b>testimony</b>
	38:2,7	35:8	<b>strike</b>	9:20
	39:8,14		43:21	10:5,7,
<b>S</b>	42:9	<b>speak</b>	45:6	11,12
		26:11	47:15	11:13,24
<b>salary</b>	<b>seizures</b>	<b>specific</b>	48:11,12	17:10
27:8	54:13	24:11,12	<b>striking</b>	20:24
<b>Schwartzman</b>	<b>selecting</b>	<b>specificall</b>	53:16	
7:23	18:4	<b>y</b>	<b>subject</b>	
49:20	<b>send</b>	54:24	13:22	
	15:22			

25:6,21	30:9,12,	<b>turn</b>		<b>write</b>
26:13	15,18	20:13	<b>W</b>	21:14,18,
28:13	35:24	21:2		25 22:17
30:9,15,	52:13,18,	26:15	<b>wanted</b>	23:2,11
18 50:7,	20	31:3,25	15:7	24:23
25 51:12	<b>today's</b>	<b>typical</b>	16:21	<b>written</b>
52:12,18	9:8,16,19	35:18	<b>week</b>	8:11,21
<b>text</b>	10:24		25:19	<b>wrote</b>
18:4,22	12:20	<b>U</b>	<b>West</b>	22:2,11,
<b>thereto</b>	<b>top</b>		41:20	13 24:17
11:2	21:5	<b>U.S.</b>	42:10	<b>y</b>
<b>thing</b>	<b>trademark</b>	54:11,12	<b>white</b>	
49:16	9:24 10:7	<b>uh-huh</b>	39:20	<b>years</b>
<b>thousand</b>	20:23	12:24	42:19	36:5
32:13	31:21	36:6	44:3	<b>yellow</b>
44:19	40:4	<b>uh-uh</b>	45:14	40:3
<b>thousands</b>	54:14	12:25	47:22	
44:20	<b>training</b>	<b>understand</b>	<b>word</b>	<b>z</b>
<b>time</b>	8:1	20:21	40:22	
11:8,15	<b>transcribe</b>	23:9	41:4,10	<b>Zoom</b>
16:11	12:14	28:15	43:8,15,	11:24
17:16	<b>transcript</b>	<b>understandi</b>	23 44:10	14:20
24:7	12:19	<b>ng</b>	47:1,6,11	15:5
29:24	24:7	49:23	48:2,7,	
<b>times</b>	26:3,5,7	54:15	11,14	
24:2,8	32:23	<b>United</b>	49:3	
39:3	55:13	21:7	50:21	
<b>Tobacco</b>	<b>trial</b>		51:8,20	
32:12	9:20,24	<b>V</b>	52:2	
33:5	10:7,23		53:9,11,	
44:17	11:13	<b>Vague</b>	15,22	
<b>today</b>	17:9	39:12	54:2,7,9,	
7:16,25	20:23,24	<b>verbal</b>	11,18	
8:9,13,23	27:18,25	12:25	55:4	
9:3,18	28:21	<b>Victoria</b>	<b>words</b>	
10:6,10,	<b>true</b>	7:10 17:8	22:11	
11 11:3	21:7,12	<b>video</b>	<b>work</b>	
12:11	35:13	15:6	27:5,9	
13:3,20,	36:3,21	<b>violation</b>	<b>worked</b>	
25 14:12,	<b>truthfully</b>	19:9	23:19	
25 15:17	13:3,20,		<b>working</b>	
25:6,21	24		8:4	
26:13				

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

-----X  
EMPRESA CUBANA DEL TABACO, d.b.a. :  
CUBATABACO, :  
 :  
Petitioner, :  
 :  
v. :  
 :  
GENERAL CIGAR CO., INC. and CULBRO :  
CORP., :  
 :  
Respondents. :  
-----X

Cancellation No. 92025859

**Petitioner's**

**Exhibit 1**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.

**NOTICE OF ELECTION TO ORALLY CROSS-EXAMINE**  
**VICTORIA MCKEE JAWORSKI**

TO ALL INTERESTED PARTIES:

PLEASE TAKE NOTICE THAT pursuant to TBMP 703.01(e) and 37 C.F.R. §  
2.123(a)(1), Petitioner, Empresa Cubana del Tabaco d.b.a. Cubatabaco ("Cubatabaco"), by and  
through its undersigned counsel, hereby provides notice of election to orally cross-examine  
Victoria McKee Jaworski via video conferencing commencing at 10:00am on a date to be  
determined by mutual agreement between the parties on or before December 18, 2020, as  
provided by the Board's current schedule. 252 TTABVUE. The cross-examination will be taken  
before an officer authorized by law to administer oaths and recorded using audiotape and/or

stenographic means.

Dated: October 15, 2020

Respectfully submitted,

/Lindsey Frank/

Michael Krinsky

David B. Goldstein

Lindsey Frank

RABINOWITZ, BOUDIN, STANDARD,

KRINSKY & LIEBERMAN, P.C.

14 Wall Street, 30<sup>th</sup> Floor

New York, New York 10005

(212) 254-1111

[lfrank@rbskl.com](mailto:lfrank@rbskl.com)

*Attorneys for Petitioner Empresa Cubana del  
Tabaco d.b.a. Cubatabaco*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was sent to the individual(s) listed below *via* electronic mail this 15<sup>th</sup> day of October, 2020:

Andrew L. Deutsch  
DLA Piper US LLP  
1251 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 335-4673  
[andrew.deutsch@dlapiper.com](mailto:andrew.deutsch@dlapiper.com)

/Lindsey Frank/

---

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Trademark Registration No. 1147309  
For the mark COHIBA  
Date registered: February 17, 1981

AND

In the matter of the Trademark Registration No. 1898273  
For the mark COHIBA  
Date registered: June 6, 1995

----- X  
EMPRESA CUBANA DEL TABACO, d.b.a.  
CUBATABACO,

Petitioner,

v.

GENERAL CIGAR CO., INC.,

Respondent.  
----- X

Petitioner's

**Exhibit 2**

Cancellation No. 92025859

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.

Cancellation No. 92025859

**DECLARATION OF VICTORIA MCKEE JAWORSKI**



VICTORIA McKEE JAWORSKI declares under penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am an independent consultant for General Cigar Co., Inc. (“Respondent” or “General Cigar”), and have held this position since February 2019. Prior to this position, I was employed by General Cigar for approximately sixteen years (from 2002 to January 2019). I have personal knowledge of the facts set forth below, and if called upon to testify, I could and would do so competently.

2. I am a 1994 graduate of Towson University with a Bachelor of Arts degree in Communications. Immediately prior to beginning work at General Cigar, from around 1996 to 2001, I worked at an agency named Danlee Public Relations, first as a public relations manager and then ultimately the vice president of the agency. Our clients were mainly in the wine and spirits industry, and included Jameson Irish Whiskey, Wild Turkey Bourbon, Aberlour Scotch, and Jacobs Creek Wines. In 2001, I left Danlee Public Relations after the agency downsized.

3. I started work at General Cigar in September 2002, initially as the public relations manager. In that role, I reported to the vice president of marketing at General Cigar. My job responsibilities as public relations manager included media relations, such as drafting press releases, contacting media, and pitching articles, and to a lesser extent, corporate communications.

4. Around 2005, I became the director of public relations and experiential marketing, still reporting to the vice president of marketing at General Cigar. I held this title, as well as additional titles and responsibilities, including for example director of public relations and digital media, for the remainder of my employment at General Cigar.

5. In both my positions as public relations manager and then later as director of public relations, I was part of the marketing department at General Cigar.



6. In my position as director of public relations, and continuing to the present in my role as an independent consultant, my job responsibilities included media relations, such as drafting press releases, contacting media, and pitching articles, and to a lesser extent, corporate communications, as well as overseeing General Cigar's events team and experiential platform. As part of drafting press releases, I communicated on brand initiatives or brand news, and I also communicated on counterfeiting with the cigar and general media.

7. In my position as director of digital media, I was the creator and editor of General Cigar's Cigar World website at [www.cigarworld.com](http://www.cigarworld.com) ("Cigar World Website"), which provides information about premium cigars to consumers. General Cigar relaunched the Cigar World Website around 2011, and it was about that time that the site allowed third parties to post user-generated content ("UGC"). Like many companies on the web, General Cigar allowed fairly free posting to its website and did not typically purge UGC.

8. My job responsibilities as director of digital media included overseeing UGC on the education and CW Magazine (lifestyle) sections of the Cigar World Website, and had the power to approve or not approve the UGC. I personally oversaw the section of the Cigar World Website with user-generated photographs. In accordance with General Cigar's policy, my main criteria when reviewing UGC on the Cigar World Website was to make sure that the content (both text and photographs) was not offensive (such as inflammatory, insulting, or racist) or profanity. I also reviewed the content to remove UGC that referenced or showed Cuban cigars. For example, if someone posted a photograph of a Cuban cigar, then if I found the photograph, I removed it. It was rare that any UGC referenced Cuba, and if any such content appeared, it would have been in the user-generated photograph section. I also do not recall seeing on the Cigar World Website any UGC depicting Cubatabaco's Cuban Cohiba cigar.

9. A third-party agency, Moosylvania, managed the Cigar World Website, beginning sometime after the relaunch of the Website. Prior to my taking over responsibility for review of UGC, Moosylvania had the job of reviewing UGC and highlighting posts that were consistent with General Cigar's corporate policies as well as posts that were in line with brand positioning.

10. In my position as director of digital media, I was also the creator and editor of the [www.cohiba.com](http://www.cohiba.com) website, which launched in the first quarter of 2015. I worked with the brand team for COHIBA, including Steve Abbot, then brand manager for COHIBA, and Moosylvania to develop content and source imagery for the website.

11. In addition, my job responsibilities as director of digital media included working closely with General Cigar's brand ambassadors. Specifically, around 2016, I developed the training for the brand ambassadors, including the brand ambassador for the COHIBA cigar. As part of this role, I reviewed what the brand ambassadors were posting on social media to make sure it was in line with how General Cigar wished to be represented. As of around 2017, General Cigar had five brand ambassadors, each assigned to a brand. Beginning around 2017, Sean Williams became the first brand ambassador for General Cigar's COHIBA cigars and remains the brand ambassador for COHIBA.

12. I have worked on General Cigar's COHIBA cigar since 2002. My work for the COHIBA brand has been consistent with my role in public relations: drafting press releases, announcing new products, occasionally selecting events to feature the COHIBA brand, and announcing brand news or key brand initiatives, primarily to cigar media. Interacting with the cigar media was and still is a very big part of my work with respect to General Cigar's cigar brands, including COHIBA.



13. In General Cigar's press releases and on its websites, as well as in its annual trade show materials including product descriptions, we have always clearly specified that General Cigar's COHIBA cigars are handmade in the Dominican Republic, Nicaragua, or Honduras, and have noted the countries of origin of all of the tobaccos included in each particular line of COHIBA cigars. In communicating with and describing the COHIBA brand cigars to the press and public, General Cigar has always been consistently clear that these cigars are handmade in the Dominican Republic, or in the case of COHIBA NICARAGUA, Nicaragua. We have always specified the countries of origin of each of the tobaccos that go into the COHIBA cigars. Our promotional material has often referenced the particular name of the factory where the cigars are made, for example, General Cigar Dominicana.

14. In promoting General Cigar's cigars in the cigar media, I have worked with *Cigar Aficionado*, *Tobacconist*, *Smoke Magazine*, *Cigar Snob*, *Cigar Journal*, *Cigars & Leisure*.

15. As part of my job, I personally review cigar magazines such as *Cigar Aficionado*, *Tobacconist*, *Smoke Magazine*, *Cigar Snob*, *Cigar Journal*, *Cigars & Leisure*, non-cigar magazines such as *Worth* and *Robb Report*, and magazines published outside of the United States, such as *Cigar Journal*, to see what is being said about the COHIBA and General Cigar's other cigar brands. I monitor the ratings of General Cigar's COHIBA cigar in the cigar media.

16. As part of my interactions with cigar media, I also interact with the bloggers who run approximately seventy-five cigar blogs, the top level of which include Halfwheel, Stogie Guys, Cigar Coop, Cigar Federation, Cigar Craig, Developing Palates, and Nice Tight Ash. I reach out to the bloggers when there is news to announce.

17. I was also responsible for running all event platforms for General Cigar. Beginning around 2015, I was responsible for developing strategic plans for events, identifying events where

General Cigar would participate and overseeing the execution of the events. These events would have included roughly five or six a year featuring General Cigar's COHIBA cigar, including films festivals, such as the Sundance Film Festival, and luxury events in the Hamptons. General Cigar participated in various luxury events each year, depending on the yearly budgets and a number of other factors. In addition, General Cigar has hosted journalists, cigar bloggers, and retailers at its factory in the Dominican Republic, General Cigar Dominicana. I am responsible for organizing these events, as well. Among other things, attendees are given an opportunity to tour the factory. These visits are intended to educate attendees regarding the cigars made at the factory, including the Dominican-made COHIBA products. I also had oversight of the activities of all brand ambassadors for General Cigar's cigars.

18. At various points in times throughout my tenure at General Cigar, I was also responsible, in conjunction with the brand manager and Moosylvania, for General Cigar's digital media channels, including those for its COHIBA cigars. General Cigar's COHIBA digital channels included the [www.cohiba.com](http://www.cohiba.com) website, and General Cigar's social media accounts, primarily on Facebook. This task included overseeing the development of the content and providing overall direction on content strategy consistent with brand positioning. Moosylvania initially developed the COHIBA digital content, but starting around late 2015 or 2016, the brand team at General Cigar shared responsibility. When I was responsible for this function, I would have overseen all digital media posts prepared by Moosylvania. Moosylvania provided reports on its activity on General Cigar's social media accounts.

19. Similar to the Cigar World Website, General Cigar tasked Moosylvania (along with General Cigar's COHIBA brand manager) with monitoring UGC and highlighting posts on General Cigar's COHIBA social media pages, to determine that they were consistent with General



Cigar's corporate policies as well as in line with COHIBA brand positioning. General Cigar would only have been aware of problems with UGC on General Cigar's social media pages if Moosylvania raised such issues to me or the COHIBA brand manager at the time.

20. Throughout my employment at General Cigar, I was informed about instances of counterfeiting, trademark infringement, and enforcement efforts relating to protecting General Cigar's marks. I recall in particular an internal briefing in 2004 or 2005 with General Cigar's top principals on its anti-counterfeiting efforts. This was an extensive presentation that lasted for several hours and explained what had been done and was being done regarding enforcement.

21. As part of its trademark enforcement efforts, General Cigar has a robust counterfeit program. It is committed to protecting its intellectual property rights and to prosecuting those who intentionally make false representations to consumers regarding the COHIBA brand. General Cigar regularly engaged in extensive joint efforts conducted by its field sales team and a special task force retained by the company as part of its ongoing nationwide effort to aggressively investigate, pursue, and eliminate counterfeit and infringing versions of its products from the marketplace. General Cigar devotes significant resources to protecting the COHIBA brand, which is a frequent target of cigar counterfeiters.

22. Some examples of General Cigar's anti-counterfeiting efforts, which were featured in its press releases as well as in the general media include:

- a. in 2006, General Cigar filed a federal lawsuit in United States District Court for the District of Nevada against Cohiba Caribbean's Finest cigars and rum for counterfeiting of the COHIBA cigar;

- b. also in 2006, General Cigar filed a federal lawsuit in United States District Court for the Southern District of Georgia against “Big Dog Cigars,” among others, for counterfeiting COHIBA cigars;
- c. in 2011, federal and state law enforcement officials seized 3,000 counterfeit COHIBA cigars with an estimated \$60,000 retail value in Key West, Florida from seven retail stores;
- d. in 2012, a team of special agents from the Miami office of the Florida Division of Alcoholic Beverages & Tobacco (“Florida ABT”) seized over 100,000 counterfeit COHIBA cigars with an estimated retail value in excess of \$200,000 from two retail stores; and
- e. in 2015, special agents from the Florida ABT seized counterfeit COHIBA cigars with estimated retail value in excess of \$100,000, and tens of thousands of counterfeit cigar bands and boxes.

23. General Cigar has also worked closely with United States Customs and Border Protection (“CBP”) for numerous years in connection with the seizure of counterfeit COHIBA cigars, boxes, ashtrays, lighters, and cigar cutters.

24. Shortly after I joined General Cigar, I was informed of the long-running litigation between General Cigar and Empresa Cubana del Tabaco d.b.a. Cubatabaco (“Petitioner” or “Cubatabaco”) over ownership of the U.S. trademarks for COHIBA.

25. Over the years, General Cigar has issued a number of press releases publicizing its litigation victories, both against Cubatabaco and third parties infringing on our COHIBA mark, as well as anti-counterfeiting efforts and successful seizures of counterfeits. I was responsible for publicizing General Cigar’s enforcement and litigation successes.



26. Attached as **Annex A** are true and correct copies of press releases that General Cigar has issued over several years publicizing General Cigar's enforcement of our rights to the trademark COHIBA in the United States by pursuing counterfeiters and infringers, emails between General Cigar and CBP relating to seizures, and third-party articles from the cigar and general media regarding same.

27. Attached as **Annex B** are true and correct copies of press releases that General Cigar has issued over several years publicizing General Cigar's dispute with Cubatabaco over rights to the trademark COHIBA in the United States, and third-party articles from the cigar and general media regarding same.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 24, 2020.



---

VICTORIA MCKEE JAWORSKI

**CERTIFICATE OF SERVICE**

I hereby certify that on this date I have caused to be served a true and correct copy of the foregoing **DECLARATION OF VICTORIA McKEE JAWORSKI** by transmitting copies by email to Petitioner's counsel:

Michael R. Krinsky  
Lindsey Frank  
Rabinowitz, Boudin, Standard, Krinsky & Lieberman, P.C.  
14 Wall Street, Suite 3002  
New York, NY 10005  
mkrinsky@rbskl.com  
lfrank@rbskl.com

*Attorneys for Petitioner*  
*Empresa Cubana del Tabaco d.b.a. Cubatabaco*

Date: September 28, 2020

/s/ Andrew L. Deutsch  
Andrew L. Deutsch  
*Attorney for Respondent*  
*General Cigar Co., Inc*





Petitioner's

## Exhibit 3

Cancellation No. 92025859

April 24, 2012

### COUNTERFEIT COHIBA CIGARS SEIZED IN MIAMI

Richmond, VA— [General Cigar](#) announces that a team of special agents from the Miami Office of the Florida Division of Alcoholic Beverages & Tobacco conducted raids yesterday resulting in the seizure of over 10,000 counterfeit [COHIBA®](#) cigars with an estimated retail value of more than \$200,000.

The counterfeit cigar seizures followed an investigation conducted by law enforcement, in cooperation with General Cigar, which is the exclusive owner of the COHIBA trademark in the U.S.

The raids took place at two retail stores, Cuban Cigar Corp. and Top Cigars, both of which are located on Calle Ocho, a popular tourist destination in Miami's Little Havana district. Both stores are owned by the same individual who was not present during the raids. Law enforcement officials are continuing to investigate the retailer and are expected to file criminal charges for violations of Florida state law relating to counterfeit goods.

The seized counterfeit cigars featured cigar bands displaying the word COHIBA® and "Republica Dominicana" and were packaged in various styles of wooden boxes which also displayed the COHIBA® mark. According to the special agents involved, approximately 1,800 boxes of counterfeit COHIBA® cigars were seized.

Dan Carr, president of General Cigar said, "Protecting cigar consumers from counterfeiters and maintaining the integrity of our products is a top priority for the company, and we are very grateful for the efforts of the Florida Division of Alcoholic Beverages & Tobacco. We will continue to cooperate with law enforcement as the investigation continues."

General Cigar devotes significant resources to protecting the COHIBA® brand, which is a frequent target of cigar counterfeiters. In November of 2011, the company's cooperation with federal and Florida state law enforcement agencies led to the seizure of more than 3,000 counterfeit COHIBA® cigars from seven tobacco retail stores located in Key West, Florida.

#### About General Cigar

General Cigar Co. Inc., a division of Scandinavian Tobacco Group, manufactures and markets handcrafted cigars for the premium market. Committed to delivering cigars of the finest quality, General Cigar's skilled artisans produce Macanudo®, COHIBA, La Gloria Cubana®, CAO, Partagas®, Punch®, Hoyo de Monterrey®, Excalibur® and several other leading premium brands in the company's Dominican, Honduran and Nicaraguan factories.

In addition, the company cultivates proprietary tobacco which is used exclusively in its blends. General Cigar also operates Club Macanudo®, a cigar bar in New York City. Based in Richmond, VA, General Cigar sells through tobacconists nationwide and also exports select products to 62 countries. For more information, please visit [www.cigarworld.com](http://www.cigarworld.com).

® COHIBA, Macanudo, La Gloria Cubana, Partagas, Punch, Hoyo de Monterrey, Excalibur and Club Macanudo are registered trademarks of General Cigar Co. Inc.

###

Empresa Cubana del  
Tabaco d.b.a. Cubatabaco

v.

General Cigar Co., Inc.  
and Culbro Corp.